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Statutes  
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Ontario. Statutes

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103

# STATUTES OF THE PROVINCE OF ONTARIO



PASSED IN THE SESSION HELD IN THE

FIFTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE

THIRD SESSION OF THE SIXTH LEGISLATURE OF ONTARIO.

1889

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-FOURTH DAY OF JANUARY, IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE.



13618

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HIS HONOUR  
SIR ALEXANDER CAMPBELL, K.C.M.G.,  
LIEUTENANT-GOVERNOR.

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**Toronto :**  
PRINTED BY JOHN NOTMAN,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1889.



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**WARWICK & SONS,**  
TORONTO.

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## 52 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-nine, and for other purposes therein mentioned.

*[Assented to 23rd March, 1889.]*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-nine ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million four hundred and forty thousand and forty dollars and fifty-five cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-nine as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and

\$3,440,040.55  
granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety, as set forth in schedule B to this Act.

Accounts to be  
laid before the  
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-nine, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

#### SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-nine, and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House .....	\$ 1,950 00	
Lieutenant-Governor's Office .....	3,980 00	
Executive Council and Attorney-General's Office .....	17,280 00	
Education Department .....	21,250 00	
Crown Lands Department .....	49,300 00	
Department of Public Works .....	19,400 00	
Treasury Department .....	20,300 00	
Department of Agriculture .....	24,500 00	
Secretary and Registrar's Department .....	25,960 00	
Department of Immigration .....	1,600 00	
Inspection of Public Institutions .....	10,150 00	
Provincial Board of Health .....	6,975 00	
Miscellaneous .....	10,500 00	
		<hr/> \$213,145 00

#### LEGISLATION.

To defray expenses of Legislation..... \$121,550 00  
ADMINISTRATION

## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$56,331 00	
Miscellaneous Criminal and Civil Justice .....	287,900 00	
Surrogate Judges and Local Masters.....	25,535 51	
	<hr/>	\$369,766 51

## EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships.. ..	25,000 00	
Model Schools .....	8,700 00	
Teachers' Institutes.....	2,900 00	
High Schools and Collegiate Institutes.....	97,000 00	
Training Institutes.....	2,100 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	50,950 00	
Departmental Examinations .....	8,200 00	
Normal and Model Schools, Toronto.....	21,060 00	
Normal School, Ottawa.....	20,390 00	
Museum and Library.....	4,950 00	
School of Practical Science.....	8,522 00	
Mechanics' Institutes, Art Schools, Literary and Scientific.....	38,500 00	
Miscellaneous .....	2,500 00	
Superannuated Teachers.....	59,300 00	
	<hr/>	\$590,072 00

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$103,157 00	
Mimico Branch.....	5,530 00	
Asylum for the Insane, London .....	127,354 00	
Asylum for the Insane, Kingston.....	87,505 00	
Asylum for the Insane, Hamilton.....	118,967 00	
Asylum for the Insane, Orillia .....	49,657 00	
Central Prison, Toronto .....	94,995 00	
Provincial Reformatory, Penetanguishene.....	42,210 00	
Institution for the Deaf and Dumb, Belleville...	40,727 16	
Institution for the Blind, Brantford.....	34,866 00	
Mercer Reformatory for Females .....	31,526 00	
	<hr/>	736,494 16

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	6,850 00
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	143,987 00
--	------------

HOSPITALS

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities..... \$120,528 66

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 8,154 31
Parliament Buildings:—	
Main Buildings .....	10,463 25
West Wing .....	3,363 25
East Wing .....	4,613 25
Education Department (Normal School Building) .....	9,674 05
Rented premises, Wellington Street.....	1,550 00
Rented premises, Simcoe Street .....	2,741 00
Miscellaneous .....	3,094 00
Normal School, Ottawa .....	3,350 00
School of Practical Science .....	1,200 00
Agricultural College.....	5,950 00
Agricultural Hall .....	650 00
Osgoode Hall .....	9,337 55

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64,140 66

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$11,720 00
Mimico Cottages .....	211,004 00
Asylum for the Insane, London .....	27,535 00
Asylum for the Insane, Hamilton.....	32,354 00
Asylum for the Insane, Kingston .....	5,219 00
do Regiopolis Branch.....	200 00
Asylum for Idiots, Orillia.....	64,350 00
Reformatory, Penetanguishene.....	6,130 00
Reformatory for Females, Toronto .....	4,319 67
Central Prison, Toronto.....	82,362 00
Deaf and Dumb Institute, Belleville.....	6,725 00
Blind Institute, Brantford.....	4,050 00
Agricultural College, Guelph .....	27,180 00
Normal School and Education Depart't, Toronto	7,000 00
Normal School, Ottawa.....	3,800 00
School of Practical Science, Toronto .....	52,000 00
Osgoode Hall, Toronto .....	2,500 00
Government House, Toronto.....	3,000 00
Parliament Buildings.....	
District of Algoma.....	13,000 00
Thunder Bay District .....	500 00
Rainy River District.....	1,500 00
Muskoka District .....	1,100 00
Parry Sound District.....	7,500 00
Nipissing District .....	6,000 00
Miscellaneous .....	200 00

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\$581,248 67

PUBLIC

## PUBLIC WORKS.

To defray expenses of Public Works ..... \$33,759 00

## COLONIZATION ROADS.

To defray expenses of Construction and Repairs ..... 103,750 00

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... 112,900 00

## REFUNDS.

Education.....	2,000 00	
Crown Lands.....	16,500 00	
Municipalities Fund.....	4,305 62	
Land Improvement Fund.....	2,752 04	
	<hr/>	25,557 66

## STATUTE CONSOLIDATION.

To defray expenses of consolidation of Statutes..... 1,000 00

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure ..... 85,291 23

## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... 50,000 00

Total estimates for expenditure of 1889.....3,360,040 55

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1890..... 80,000 00

Total.....\$3,440,040 55

## CHAPTER 2.

An Act to give representation in the Legislative Assembly to the District of Nipissing.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

District of Nipissing to be an electoral district.

1. The temporary judicial district of Nipissing is hereby created an electoral district for the purpose of representation in the Legislative Assembly, and the electors of the said electoral district shall elect one member of the Legislative Assembly.

Rev. Stat., c. 7, s. 1, amended.

2. Section 1 of the Act, intituled "*An Act respecting the representation of the people in the Legislative Assembly*," is amended by striking out the words "eighty-eight" in the third line thereof and substituting therefor the words "eighty-nine."

Rev. Stat., c. 7, s. 15, amended.

3. Section 15 of the said last mentioned Act is amended by adding thereto :

82*a*. THE ELECTORAL DISTRICT OF NIPISSING—to consist of the territory forming the temporary judicial district of Nipissing.

Rev. Stat., c. 11, s. 1, amended.

4. Section 1 of the Act, intituled "*An Act respecting the Legislative Assembly*," is amended by striking out the word "ninety" where it occurs in the first line of the said section and substituting therefor the words "ninety-one," and by striking out the words "eighty-eight" in the second line of the said section and substituting therefor the words "eighty-nine."

Electoral franchise.

5. The franchise in the said electoral district of Nipissing shall be the same as that in the electoral districts of Algoma East, Algoma West, Muskoka and Parry Sound.

Law as to elections and voters' lists.

6. The law relating to elections and voters' lists applicable to the electoral districts of Algoma East, Algoma West, Muskoka and Parry Sound shall apply to elections and voters' lists in the said electoral district of Nipissing, and where any particular enactment, clause or clauses of *The Ontario Election Act*, or any amendment thereof, or of *The Voters' Lists Act* for the time being in force, or any amendments thereof, apply specially to the last mentioned electoral districts, the same shall be read as though the electoral district of Nipissing were included therein, and the same shall extend and apply to the said electoral district of Nipissing.

7. Section 3 of *The Act respecting the Legislative Assembly*, is amended by inserting the words "and the electoral district of Nipissing" after the words "Algoma East" wherever the said last-mentioned words occur in the said section. Rev. Stat., c. 11, s. 3, amended.

8. The first election for the said electoral district of Nipissing shall be held at the next general election for the said Legislative Assembly. First election.

9. Polls shall be opened and held at an election in the said district in each of the organized municipalities in accordance with the provisions of *The Ontario Election Act*; and in such municipalities one of such polls shall be opened at or near the place where the last municipal election was held, and in the unorganized territory at such places as the Lieutenant-Governor in Council may from time to time direct. Polling places.

## CHAPTER 3.

### An Act respecting Voters' Lists.

[Assented to 23rd March, 1889.]

SHORT TITLE, s. 1 (1).  
 COMMENCEMENT OF ACT, s. 1 (2).  
 REPEAL, s. 1 (3).  
 INTERPRETATION, s. 2.  
 ALPHABETICAL LIST OF VOTERS TO BE MADE BY CLERK, ss. 3, 4.  
 DISTRIBUTION AND POSTING UP COPIES OF LIST, ss. 5-9.  
 REVISION OF LIST—  
   Who may complain and on what grounds, s. 10.  
   Powers and duties of Judge, ss. 11, 12, 21-24, 26, 27.  
   Procedure, ss. 13, 14.  
   List to be certified by Judge, ss. 15-17.  
   District Judges and Stipendiary Magistrates to have same powers as County Judges, s. 18.  
   Effect of certified list, s. 19.  
   Municipality to provide Court Room, s. 20.  
   Clerk—  
     duties generally, s. 22.  
     remuneration, ss. 23, 25.  
     failure to perform duties, ss. 33-35.  
     falsifying list, s. 36.  
     to furnish copies of list, s. 42.  
   Constables, their duties and fees, ss. 24, 25.

Report by Judge as to frauds, s. 26.  
 Amendment of proceedings, s. 27.  
 Substitution of new complainant, s. 28.  
 Costs of complaints, ss. 29, 30.  
 Obtaining opinion of Court of Appeal or Judge thereof, s. 31.  
 PERSONS ADDED ON LISTS TO PAY TAXES, s. 32.  
 LIST NOT VITIATED BY FAILURE OF CLERK TO PERFORM HIS DUTIES, ss. 33, 34.  
 PENALTIES AND FINES—  
   Neglect of Clerk, s. 35.  
   Wilful alteration of list, s. 36.  
   Colourable transfer of property to confer vote, s. 37.  
   Recovery of fines and penalties, ss. 38-40.  
   Trial of actions for penalties, s. 39.  
   Assessor to make inquiries before assessing person, s. 40.  
   For fraudulently dealing with Roll, s. 40 (2).  
 INSPECTION AND COPIES OF DOCUMENTS, s. 41.  
 OFFICERS TO FURNISH COPIES OF LISTS, s. 42.  
 RULES, s. 43.  
 FORMS, s. 44.

HER

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1.—(1) This Act may be cited as *The Ontario Voters' Lists Act, 1889*; and the expression "The Voters' Lists Act," wherever the same occurs in either *The Ontario Election Act*, *The Assessment Act*, *The Manhood Suffrage Act*, or *The Municipal Act*, shall mean this Act.

Commencement of Act.

(2) Subject to the other provisions in this section contained, this Act shall come into force and effect immediately after the passing thereof, in every municipality in which by law the date for the return of the assessment roll by the assessor is not later than the thirtieth day of April, and in all other municipalities on the first day of July next after the passing thereof.

Rev. Stat. c. 8, repealed.

(3) *The Voters' Lists Act*, being Chapter 8 of the Revised Statutes of Ontario, 1887, is hereby repealed; save and except, that, for all purposes and to all intents, every matter and thing whatsoever relating to or affecting

(a) Any voters' list based upon or prepared from any assessment roll which, within the meaning of *The Assessment Act*, was finally revised and corrected prior to the first day of February, 1889; or

(b) The right to have the name of any person inserted in or omitted, or expunged, from any such voters' list, as a voter;

Shall be continued, and shall be dealt and proceeded with as if this Act and *The Manhood Suffrage Act* had not been passed; and all rights, liabilities, duties, forms and proceedings whatsoever, with respect to any of the matters or things aforesaid, shall be subject and conform to, and shall be regulated and controlled by the provisions of said Chapter 8 of *The Revised Statutes of Ontario, 1887*, and *The Ontario Election Act*, as the same were prior to the passing of *The Manhood Suffrage Act*.

#### INTERPRETATION.

Interpretation.

2. In this Act, unless a contrary intention appears:

"Election;"  
"To vote;"  
"Corrupt practices."

1. "Election," "To Vote," "Corrupt Practices," shall respectively have the meaning given thereto by section 2 of *The Ontario Election Act*;

"Farmer's son."

2. "Farmer's Son" shall have the meaning given thereto by *The Municipal Act*;

"Municipal election."

3. "Municipal election" shall mean an election for a member to a municipal council, within the meaning of *The Municipal Act*.

4. "Voter" shall mean a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Legislative Assembly within the meaning of *The Manhood Suffrage Act*, or at any municipal election, as the case may be;

5. "List," "Voters' List," shall respectively mean the alphabetical list referred to in section 3 of this Act; "List;" "Voters' list."

6. "Scrutiny" shall mean any scrutiny of the votes polled at an election within the meaning of section 74 and the next succeeding nine sections of *The Ontario Controverted Elections Act*; and "Scrutiny."

7. "Clerk of the Peace" shall mean the Clerk of the Peace for, and "County Judge" shall mean the Judge of the County Court for the county or union of counties within which lies the municipality for or in respect of which the voters' list is made; and "Clerk of the Peace;" "County Judge."

8. "Roll," "assessment roll," shall respectively mean an assessment roll within the meaning of *The Assessment Act*. "Roll;" "Assessment roll."

#### VOTERS' LISTS AND COPIES.

3.—(1) The clerk of each municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to be voters in the municipality, prefixing to the name of each person his number upon the roll. Clerk to make lists of voters.

(2) The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly. First part.

(3) The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, and of all widows and unmarried women of full age and subjects as aforesaid, and appearing on the assessment roll to be entitled to vote in the municipality at municipal elections only, and not at elections for members of the Legislative Assembly. Second part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at elections for members of the Legislative Assembly only, and not at municipal elections. Third part.

(5) The name of the same person shall not be entered more than once in any such part. Name to be entered once only.

(6)

Lists for polling subdivisions.

(6) Where a municipality is divided into polling subdivisions the list (to be made in three parts as aforesaid) shall be made for each of the subdivisions.

Qualification under 51 V. c. 4.

(7) In the case of a person qualified to vote under the provisions of *The Manhood Suffrage Act*, the clerk shall, opposite the name of such person, in the proper column of the voters' list, state that fact either by inserting in such column the words "Manhood Franchise," or the letters "M. F."

Qualification in respect of real property.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the clerk shall, opposite the name of the person, insert, in the proper column of the voters' list, the number of any lot or other proper description of any parcel of real property in respect of which each person is so qualified; adding thereto, where the person is so qualified in respect of more than one such lot or parcel, the words "and other premises;"

Qualification of farmer's son.

(9) In the case of a person being a farmer's son within the meaning of *The Municipal Act*, the clerk shall also, opposite the name of such person, in the proper column of the voters' list, state that fact either by inserting in such column the words "Farmer's Son," or the letters "F. S."

Entry where voter assessed in several divisions of same ward.

(10) Where a ward of any municipality is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions in the ward for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name on the list of voters in one subdivision only, and shall, as required by the preceding subsection, insert opposite his name the additional words "and other premises;" and where, within the knowledge of the clerk, a person resides in one of the polling subdivisions, his name shall be entered as aforesaid in the list of voters for that polling subdivision.

Provision where property partly in one subdivision and partly in another.

(11) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that such property lies partly within the limits of one subdivision and partly within another or others, the clerk shall enter his name on the list of voters in one of the subdivisions only in which the property is situate, with the following words added: "Partly qualified in subdivision No. ."

Income qualification.

(12) If the qualification to be a voter at a municipal election is in respect of taxable income, the clerk shall, in the proper column of the voters' list, state that fact, and the place at which the voter resides in the municipality.

Entry on list of persons assessed as householder, freeholder or tenant.

(13) The words Householder (H), Freeholder (F), and Tenant (T), appearing on the assessment roll pursuant to *The Assessment Act*, shall, for the purposes of this Act, be held to also mean respectively Occupant (Oc.), Owner (O.), or Tenant (T.),

(T.), and shall be so entered in the voters' list by the clerk of the municipality.

(14) Where upon the assessment roll, opposite the name of any person entered in such roll, there are inserted the letters "M. F." to indicate that such person is qualified to be a voter under *The Manhood Suffrage Act*, or the letters "F. S." to indicate that such person is a farmer's son, within the meaning of *The Municipal Act*, the like letters inserted opposite the name of such person in the proper column of the voters' list will be taken to indicate that he is entitled to be a voter and to be entered in said list, either under *The Manhood Suffrage Act*, or *The Municipal Act*, as the case may be.

Entry on list of persons qualified under Manhood Suffrage Act or as farmer's sons.

(15) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court in case of an appeal as provided in *The Assessment Act*, or when the time during which the appeal may be made has elapsed, and not before.

When assessment roll to be regarded as finally revised.

4. The clerk of every township municipality, in making out the list shall, besides complying with section 23 of *The Jurors' Act*, insert in the list (Form 1) a schedule containing the name, numbered consecutively, of every post office which by the assessment roll appears to be, or within the knowledge or belief of the clerk is, the proper post office address of any person entered in the list, and in making out the list shall, according to the form and in the proper column therefor, insert opposite the name of every person entered in the list the consecutive number which according to the schedule is that of the proper post office address of the person, so far as the address appears by the assessment roll, or is within the knowledge or belief of the clerk; but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act.

P. O. address of voter to be entered on list. Rev. Stat. c. 52.

5. Immediately after the clerk has made the alphabetical list, and within forty days in cities and in other municipalities within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of the list to be printed (in pamphlet form where practicable), and forthwith shall cause one of the printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office, and deliver or transmit by post, by registered letter, or by parcel post, registered, three copies to each Judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons, that is to say:—

Copies of list to be printed and distributed.

(a) Every member of the Municipal Council of the Municipality except the Reeve;

(b)

- (b) The Treasurer thereof ;
- (c) The Sheriff of the County ;
- (d) The Clerk of the Peace ;
- (e) Every Postmaster in the Municipality ;
- (f) Every Head Master or Mistress of a Public or Separate School in the Municipality.

Clerk to transmit copies to certain persons.

**6.** The Clerk of the Municipality shall forthwith also deliver or transmit by post, by registered letter, or by parcel post, registered, ten copies to each of the following persons, that is to say :—

- (a) The Member of the House of Commons for the Electoral District in which the Municipality or any part thereof lies ;
- (b) The Member of the Legislative Assembly for the Electoral District in which the Municipality or a part thereof lies ;
- (c) Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively ; and
- (d) The Reeve of the Municipality.

Clerk to certify as to certain matters on each copy of list.

**7.** Upon each of the copies so sent shall be a printed or written certificate (Form 2) over the name of the Clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll of the municipality to be entitled to vote at elections for Members of the Legislative Assembly, and at municipal elections in the municipality ; and further, calling upon all electors to examine the list, and, if omissions or other errors are perceived therein, to take immediate proceedings to have the errors corrected according to law.

Copies to be posted up by Sheriffs, Clerks of the Peace, teachers and post masters.

**8.** The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the Court-House ; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office ; every Public or Separate School Head Master or Mistress shall in like manner post up one of his or her copies on the door of the school-house ; and every Postmaster shall post up one of his copies in his post-office.

Clerk to publish notice of transmission and posting up of list.

**9.** The Clerk shall also forthwith cause to be inserted in some newspaper published in the municipality, or in case no newspaper is published in the municipality, then in some newspaper published either in the nearest municipality in which one is published, or in the County Town, a notice (Form 3), signed by him, which shall state that he has delivered or transmitted

transmitted the copies of the list as directed by this Act, and shall also mention the date of the first posting up of the list in his office. One insertion of the notice shall be sufficient.

#### REVISION OF LISTS.

**10.**—(1) The list shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to be voters; Revision of list by County Judge.

Upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to be a voter depends had or had not been brought before the Court of Revision, or had or had not been determined by that Court;

Upon such revision no person shall be disentitled to have his name entered on the list, either by reason of his having omitted to make, sign or deliver any statement or affidavit required by the provisions of either *The Assessment Act* or *The Manhood Suffrage Act*, to be so made, signed or delivered by him, or by reason of his name not having been entered on the assessment roll. Rev. Stat. c. 193; 51 V. c. 4.

The decision of the Judge under this Act, in regard to the right of any person to vote, or as to the right to insert in or strike from the list the name of any person as a voter, shall be final so far as regards such person.

(2) A complaint or an appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under *The Manhood Suffrage Act* or *The Ontario Election Act*, as varied and modified by *The Manhood Suffrage Act*. Appeal in case of persons disqualified under 51 V. c. 4, or under Rev. Stat. c. 9.

(3) If, before the final revision and correction of the assessment roll, a person named in the list of voters as entitled to be a voter at a municipal election, has died or has parted with the property in respect of which his name was entered in the voters' list, the person who, at the time of the final revision and correction, was in possession of the property shall, if otherwise qualified to be a voter at a municipal election, be entitled to apply to (Form 5) the Judge to be entered on the list in respect of the said property instead of the person first named in this section; Applications by persons who have acquired property since assessment.

The proceedings to be taken in such case shall be the same as in cases of appeals under this Act.

(4) Any person who is rated, or entered, or entitled or liable to be rated, or entered on the assessment roll, either as a farmer's son, or for real property or income of the amount requisite to entitle him to vote at municipal elections, and who Persons who will be of age within 60 days from revision. will

will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall have the right to apply to the Judge to have his name entered upon the voters' list, or upon the assessment roll and the voters' list, as entitled to vote at municipal elections.

Right to apply and complain.

(5) Any person whomsoever entitled to be assessed or entered or named in the assessment roll of a municipality, either under *The Assessment Act*, or *The Municipal Act*, or *The Manhood Suffrage Act*, shall, in all respects and for all purposes, have the right to apply and complain to the Judge on the revision of the voters' lists, and to have his name entered and inserted in the voters' list as entitled to be a voter.

Persons entitled to be entered on roll without request.

(6) Any person whomsoever entitled to be assessed or to have his name entered in the assessment roll of a municipality, shall be so assessed and shall have his name so entered without any request in that behalf; and a person entitled to be entered in the assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which the municipality is situate, shall, in order to have the name of any other person entered and inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a Court or a Judge in that behalf, as such other person would or can have personally.

Entry of persons becoming qualified after completion of roll.

(7) Any person who, since the day upon which, by statute or by by-law, the assessment roll is returnable to the Clerk of the Municipality, and before the time for appealing against the Voters' List or of giving notice of application to the Judge to have the names of persons entered upon the Voters' List under this Act shall have expired, has become possessed of the qualifications entitling him to vote, under the provisions of *The Manhood Suffrage Act*, shall be entitled to give, or any person whose name is on the list, or who has the qualification entitling him to have his name entered thereupon, under *The Manhood Suffrage Act*, may give the requisite notice or make application to the Judge to have the name of such first-mentioned person entered upon the Voters' List as entitled to be a voter under *The Manhood Suffrage Act*.

Powers of County Judge

11. The County Judge, at any Court held by him for the revision of Voters' Lists under this Act, may, without a previous notice of appeal or complaint in that behalf, on an application made by or on behalf of the person named in the lists, correct any mistake which shall be proved to him to have been made in compiling any Voters' List in respect of the name, or place of abode, or nature of the qualification, or the local or other description of the property, of a person entered on the list, and against or with respect to whose right to be entered on the list an appeal or complaint is either pending before or being heard by the Judge: but in any case, evidence

may

may be produced and given before the Judge that the person has no qualification or no sufficient qualification in law to entitle him to be a voter, and if the Judge, on the evidence, is of opinion that the person has not the qualification, he shall expunge and strike the name of such person from the list.

**12.** If on a complaint or appeal to strike out of the list the name of a person entered therein as a voter, the Judge, from the evidence produced and given before him, is of opinion that the person is entitled to be entered on the list in any character, or because of property or qualification other than that in which he is so already entered in the list, the Judge shall not strike the name of the person from the list, but shall make such corrections in the list as the evidence in his opinion warrants with respect to the right, character and qualification of the person to be a voter.

Judge to correct list as evidence may warrant.

**13.—(1)** A voter or person entitled to be a voter making a complaint of any error or omission in the list shall, within thirty days after the Clerk of the Municipality has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice (Form 6) in writing of his complaint and intention to apply to the Judge in respect thereof;

Proceedings on complaint of errors in list.

If the office of clerk is vacant by reason of death, resignation or from any other cause, the notice may be given in like manner to the head of the council of the municipality;

The proceedings thereafter by the clerk, Judge, and parties respectively, and the respective powers and duties of the Judge, clerk and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the Court of Revision; but no deposit shall be required to be made before the complaint is heard or disposed of. (See Forms 7-12).

**(2)** If the notice is given to or left for the head of the council, he shall perform or cause to be performed such necessary acts as should be performed by the clerk if there were one.

Duty of head of council when notified.

**(3)** No Judge shall proceed with the holding of any Court for hearing complaints as aforesaid, unless and until notice (Form 10) of the time and place of holding the Court shall by the clerk have been published at least ten days before the sittings of the Court, in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, or in the county town.

Notice of holding Court for complaints.

**14.—(1)** Any person may obtain from the County Court a subpoena (Form 13), or from the County Judge an order, requiring the attendance at the Court for hearing complaints as aforesaid, at the time mentioned in the subpoena or order,

Compelling attendance of witnesses.

of a witness residing or served with the subpoena or order, in any part of this Province; and requiring the witness to bring with him and produce at the Court any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

Person whose right is in question to attend.

(2) Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the Court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses; and the subpoena or order shall be deemed to have been sufficiently served upon any such person under the provisions of this section:

- (a) If the subpoena or order is served upon him personally; or
- (b) Where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown person, at such residence or place of business; or
- (c) Where he has no known residence or place of business within the municipality, if a copy of the subpoena or order is mailed to him through the post-office, with the postage thereon pre-paid, and addressed to him at the post-office address contained in any written affirmation or affidavit made by him under *The Manhood Suffrage Act*; or
- (d) Where such person is a farmer's son, if a copy of the order or subpoena is left for him with some grown person at the residence of the farmer whose son he is.

Penalty for non-attendance.

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the subpoena or order, the Judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of the non-attendance, or as to the right of the person to be a voter, may, on the ground of his non-attendance, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on him according to his discretion, or do both.

Names in subpoena.

(4) Any number of names may be inserted in one subpoena or Judge's order, in any case of complaint.

Time within which list to be revised.

**15.** It shall be the duty of the County Judge so to arrange and proceed, and so to fix the sittings of the Court for the hearing of complaints against or in respect of any Voters'

List

List, that the complaints shall be heard and determined, and the list finally revised, corrected and certified under this Act, within two months of the last day for making complaints.

**16.** In case no complaint respecting the list is received by the Clerk of the Municipality, within thirty days after he has posted up the list in his office, the clerk shall forthwith apply (Form 14), either in person or by letter, to the Judge to certify (Form 15) three copies of the list as being the revised list of voters for the municipality; and the Judge shall retain one of the certified copies of the list, and deliver or transmit by post, registered, one of the certified copies to the Clerk of the Peace for the county or union of counties within which the municipality lies, and one of the certified copies to the Clerk of the Municipality, to be kept by him among the records of his office.

List confirmed if no complaint within 30 days after list posted up by clerk.

**17.—(1)** In case complaints are made as aforesaid, immediately after the list has been finally revised and corrected by the Judge, the Judge shall make or cause to be made, and shall sign, a statement (Form 16) in triplicate, setting forth the changes, if any, which he has made in the list; and shall certify in triplicate (Form 17) a corrected copy of the list; and the statement in triplicate, and the corrected copies of the list shall, if the Judge so order, and under his directions and supervision, be prepared by the Clerk of the Municipality, and for that purpose the Judge shall forthwith, after the list has been so finally revised and corrected, transmit or deliver to the clerk all necessary papers and directions, which papers and directions together with the statement in triplicate and the corrected copies shall within, at latest, the week next after the list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by the clerk to the Judge, who thereupon shall immediately sign the statement and certify the corrected copies as aforesaid;

Judge to make statement of alterations and certify copies of list after final revision.

But should the statement and corrected copies not be re-transmitted and delivered by the clerk to the Judge within the time above mentioned, the Judge shall immediately thereafter make and sign the statement and certify the corrected copies of the list.

**(2)** The Judge shall retain one of the certified copies and one statement, and shall deliver or transmit by post, registered, one of the certified copies and one statement to the Clerk of the Peace for the county or union of counties within which the municipality lies, and one of the certified copies and one statement to the Clerk of the Municipality, to be kept by him among the records of his office.

Disposal of certified copies and of state-ments.

**18.** The District Judges in the District of Algoma and in that part of the District of Thunder Bay not included in the Rainy River District, and the Stipendiary Magistrate of the District in the Districts of Muskoka, Parry Sound, Nipissing, Manitoulin

Jurisdiction of District Judges and Stipendiary Magistrates.

Manitoulin and Rainy River, shall for the purposes of this Act have the jurisdiction, duties and powers which County Court Judges have in counties.

Certified list  
conclusive  
evidence.

**19.** Every voters' list which under this Act is certified by the County Judge, shall, upon a scrutiny, be final and conclusive evidence of the right of all persons named therein to vote at any election at which such list was or could have been legally used; except

Exceptions.

1. Persons guilty of corrupt practices at or in respect of the election in question on such scrutiny, or since the list was certified by the County Judge as aforesaid;

2. Persons who, at any time subsequently to the list being certified by the County Judge are or have been non-resident either within the municipality to which the list relates, or within the electoral district for which the election is held, and who by reason thereof are, under the provisions of either *The Manhood Suffrage Act*, or *The Ontario Election Act*, incompetent and disentitled to vote;

3. Persons who, under sections 4, 5 and 6 of *The Ontario Election Act* are disqualified and incompetent to vote.

Municipality  
to provide a  
court room.

**20.** It shall be the duty of the municipality within which a Court is holden, to provide some suitable and convenient place, properly furnished, heated and lighted for the holding of the Court, and in case the same is not done the Judge may hold the Court at such other place in the County as he may deem proper; and if the same is held elsewhere than in the County Court House, the proprietor of the building in which it is held may recover from the municipality which should have made such provision the sum of \$5 for each and every day during which the building is used for the purposes of the Court;

Courts in  
county towns.

Every Court held in the county town shall be held in the County Court House, or in such other place in the county town as the Judge may deem proper.

Powers of  
Judge.

**21.** In all proceedings before the Judge under this Act, the Judge shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the County Court.

Clerk to be  
subject to  
summary jur-  
isdiction of  
Judge.

**22.** The clerk of every municipality shall be subject to the summary jurisdiction and control of the County Judge in respect to the performance of his duty under this Act, and in respect to every act required to be performed by the Clerk touching the voters' list, in the same manner as officers of the County Court are to the Court.

Clerk's remuneration.

**23.** Where it is provided by a by-law or contract under which the Clerk of a Municipality is appointed or employed that the sum to be paid him by way of salary as Clerk is intended

intended expressly or impliedly to include payment for all duties which, as Clerk and under this Act are to be performed by him, either in the preparation, publication and distribution of the list of voters under this Act, or before, upon or after the lodging with him of any complaint or appeal under this Act, or for any other act or work of whatever nature or kind required by this Act to be done by him; then the Clerk shall not, in respect of such duties or work, be entitled to or be allowed by the County Judge, nor shall there be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by the by-law or contract to provide for the performance of the above-mentioned duties and work, then the clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say:—

1. Two cents for the name of every person entered in the list of complaints and in respect to whom appeal was made.

2. Two cents for every name entered in any necessary copy of said list of complaints.

3. Eight cents for every necessary notice to any party complaining or complained against.

4. Three dollars for every day's attendance on the sittings of the Court for the revision of the Voters' List.

5. And to the actual and reasonable disbursements (if any) necessarily incurred by him in serving the notices of complaint or appeal, when served by himself.

**24.**—(1) The Judge shall have power to appoint some proper person to attend at the sitting of the Court as a constable and bailiff; and the duties and powers of such person thereat shall be as nearly as may be the same as those of the bailiff of a Division Court at a sitting of a Division Court and in reference thereto. Appointment of constable.

(2) The person acting as constable shall be entitled to the following but no other fees or compensation; that is to say: Constable's fees.

(a) The sum of one dollar and fifty cents for every day's attendance.

(b) For the service of any process or notice, including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service.

**25.** The compensation fixed by the preceding two sections shall be paid to the clerk and constable respectively by the municipality the list for which is the subject of investigation; and the amount of the compensation as certified by the Judge shall be so paid by the Treasurer of the Municipality upon the production and deposit with him of the Judge's certificate. Payment of fees.

Report by  
Judge as to  
frauds, etc.

**26.** If the Judge who holds a Court believes or has good reason to believe that any person has contravened sections 37 or 40 of this Act, or that frauds in respect to the assessment or the voters' lists have prevailed extensively in the municipality, it shall be his duty to report the same to the Provincial Secretary, with such particulars as to names and facts as he may think proper.

Amendments.

**27.** The Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

Substitution  
of new appel-  
lant.

**28.** If an appellant or complainant entitled to appeal dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the Judge may think just.

Costs occa-  
sioned by  
errors may be  
ordered to be  
paid by per-  
sons respon-  
sible therefor.

**29.—(1)** In case of errors being found in the voters' list on the revision thereof, whether the errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appears to the Judge that the assessor was blameable for any of the errors, the Judge shall order (Form 18) the assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the Clerk was to blame, the Clerk, either alone or jointly with any other person, shall be charged with the costs;

In case of errors of the Court of Revision, the municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the municipality may justly have against the guilty parties; or

The Judge may order the assessor, clerk or municipality in such case, to pay the costs, if a party fails to recover the same from any other party named and ordered to pay the same;

In all cases not herein provided for, the costs shall be in the discretion of the Judge.

Division Court  
costs only to  
be allowed.

**(2)** No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the Division Court under the lowest scale of costs in actions therein.

Liability of  
appellant for  
costs.

**(3)** The only costs to which an appellant shall be liable shall be the witness fees, unless in a case of bad faith on his part, and if, in the opinion of the Judge, a complaint or appeal is merely frivolous and vexatious, and has not been made in good faith, nor with any reasonable or probable cause, the Judge may, in his discretion, order the appellant or complainant to pay costs not exceeding double the amount for which he would otherwise be liable.

**30.** The payment of costs ordered to be paid by the Judge may be enforced by an execution (Form 19) against goods and chattels, to be issued from any County Court upon filing therein the order of the Judge, and an affidavit showing the amount at which the costs were taxed and the non-payment thereof.

Enforcing  
payment of  
costs.

**31.** In order to facilitate uniformity of decision without the delay or expense of appeals,

County Judge  
may state case  
for opinion of  
Court of Ap-  
peal.

1. A County Judge may state a case on any general question arising or likely to arise, or expected to arise under this Act, and may transmit the same to the Lieutenant-Governor in Council, who thereupon shall immediately refer the case to the Court of Appeal or a Judge thereof, for the opinion of the Court or Judge thereupon; or

2. The Lieutenant-Governor in Council may refer a case on any such general question to said Court of Appeal or a Judge thereof, for a like opinion.

Lieutenant-  
Governor may  
obtain  
opinion.

3. Immediately upon the receipt of such case it shall be the duty of the Court or Judge to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in the case, of which time and place written notice shall be given by the Clerk of the Court posting up a copy of the notice in the office of each one of the Divisions of the High Court at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid.

Duty of Court.

4. At the time and place fixed therefor as aforesaid, the Court or Judge shall hear argument upon the case by such of the counsel present (if any) as the Court or Judge may deem reasonable, and shall thereupon consider the case and certify to the Lieutenant-Governor in Council the opinion of the Court or Judge thereon; and the opinion shall thereupon be forthwith published in the *Ontario Gazette*, and a copy thereof sent to the Judge of every County Court.

Argument.

5. The Court of Appeal or a Judge thereof, may also give an opinion on any question at the instance of any voter or voters or person or persons entitled to be voters, if said Court or Judge sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred as aforesaid, but, in addition, the Court or Judge may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require the notice of the proceedings or any of them to be given to such person or persons as the Court or Judge may direct.

Discretionary  
opinion at in-  
stance of voter  
or person en-  
titled to be  
voter.

#### LIABILITY OF PERSONS ADDED ON ROLL FOR TAXES.

**32.** If a person not assessed, or not sufficiently assessed, is found entitled to be a voter at municipal elections, the municipality shall be entitled to recover taxes from him, and to enforce

Liability of  
persons whose  
names are  
added to roll  
on revision.

force payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Judge ; and the Judge shall make an order (Form 20), setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists, and the order shall be transmitted to the clerk of the municipality, and shall have the same effect as if the said particulars had been inserted in the roll.

#### FAILURE OF CLERK TO PERFORM HIS DUTIES.

Lists not vitiated by failure of Clerk to perform duties.

**33.** The times appointed for the performance, by the Clerk of the Municipality, of the duties required of him by this Act, shall be directory only to the clerk ; and the non-performance by him of any of the said duties within the times appointed, shall not render null, void or inoperative any of the lists in this Act mentioned.

Application by Clerk of the Peace if Clerk of municipality fails to perform duties.

**34.**—(1) In case the clerk of any municipality fails to perform any of the duties aforesaid, the Clerk of the Peace shall forthwith apply (Form 21) summarily to the County Judge or the Junior or acting Judge of the County Court for the County within which such municipality is situate, to enforce the performance of the same.

Application by voter.

(2) The application may also be made by any person entitled to be named as a voter on the list in respect of which the application is made.

Proceedings by Judge.

(3) The Judge shall, on such application, require (Form 22) the Clerk of the Municipality, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect to which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purposes aforesaid.

Liability of Clerk for costs.

(4) The Clerk of the Municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special grounds the Judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the Judge.

Judge's order not to relieve Clerk from penalty.

(5) The proceedings and order of the Judge shall not in anywise exonerate or release the Clerk from liability to the penalty hereinafter imposed.

Penalty for neglect of duties by Clerk.

**35.** If a Clerk of a Municipality omits, neglects or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him for his municipality, the Clerk, for each omission, neglect or refusal, shall incur a penalty of \$200.

**36.** If a Clerk of a Municipality, or Clerk of the Peace, or any other person, wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies any certified list or copy, or permits the same to be done, every such person shall incur a penalty of \$2000.

Penalty for wilfully falsifying lists.

#### COLOURABLE TRANSFER OF PROPERTY.

**37.** No person shall make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify a person to be a voter; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of \$100; and a person who induces or attempts to induce another to commit an offence under this section, shall incur a like penalty.

Colourable transfer of property in order to confer vote.

#### PENALTIES AND FINES.

**38.** The penalties mentioned in the next preceding three sections may be recovered with costs of action by any person suing for the same in any Court of competent jurisdiction.

Recovery of penalties.

**39.** Actions for penalties incurred under this Act, shall be tried by a Judge without a jury.

Trial of actions for penalties.

**40.—(1)** To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering, or naming any such person in the assessment roll.

Assessor to make inquiries before assessing persons claiming to be assessed.

**(2)** Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in either or any such case to give to a person not entitled thereto, either the right or an apparent right to be a voter; or who wilfully inserts, or procures or causes the insertion of a fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses, or procures or causes the assessment of a person at too low an amount, with intent in either case to deprive a person of his right to be a voter, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200,

Penalty for improper insertion of names on roll.

\$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both fine or imprisonment, in the discretion of the Court.

#### INSPECTION AND COPIES OF DOCUMENTS.

Right to inspect and copy assessment rolls, etc.

**41.** Any voter, and any person entitled to be a voter, and any agent of such voter or person, shall have liberty at all reasonable times and under reasonable restrictions, to inspect and take copies of or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of *The Assessment Act*, *The Manhood Suffrage Act*, *The Municipal Act*, and this Act; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the safety of the documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

Clerks to furnish copies of voters' lists.

**42.**—(1) The Clerk of the Peace and the Clerk of a Municipality having the custody of the list of voters of a municipality or part of a municipality or place, shall furnish a certified copy of the list, then last revised and corrected, or of any of the parts thereof, to any person who may require a copy or part, on being paid for the same by such person at the rate of four cents for every ten voters whose names are on the list or part: the said officers may furnish printed copies for each of which they shall be entitled to receive six cents instead of the fee aforesaid; and the officers shall verify alterations made therein by writing their initials in close proximity thereto. If the alterations or interlineations exceed one hundred, it shall be the duty of the said officers to furnish written copies.

Fees.

(2) For each copy of the voters' list or of any of the parts thereof furnished to the Returning-Officer, according to Form 8 in Schedule A to *The Ontario Election Act*, or according to Schedule C to *The Municipal Act*, the Clerk of the Peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part as the case may be.

#### RULES.

Board of County Judges may make rules.

**43.** The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame Rules and Forms of procedure for the purpose of better carrying this Act into effect, and such Rules and Forms shall, after being approved of by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act.

FORMS.

FORMS.

44. In carrying into effect the provisions of this Act, the Use of forms.  
Forms set forth in the Schedule hereto may be used, and the  
same or Forms to the like effect shall be deemed sufficient for  
the purposes mentioned in the said Schedule.

SCHEDULE OF FORMS.

FORM 1.

(Sections 3, 4.)

FORM OF VOTERS' LIST.

*Voters' List, 18      Municipality of*

SCHEDULE OF POST OFFICES.

1. North Augusta,  
2. Maitland,
3. Wright's Corners,  
4. Prescott.

POLLING SUBDIVISION No. 1, COMPRISING, ETC.:—(*Giving the limits.*)

PART I.—Persons entitled to vote at BOTH Municipal Elections and  
Elections to the Legislative Assembly.

No. on Roll.	NAME.	Lot.	Con. or Street.	—	Post Office Address.
6	Anderson, Henry.....	N W $\frac{1}{4}$ 6	3	M. F. and Owner	1
14	Andrews, John.....	W 14 acres 8	1	M. F. and Tenant	4
1	Archer, James.....	2	6	M. F. and Income	4
50	Brown, Simon.....	W $\frac{1}{2}$ 9	2	M. F. and F. S.	3
71	Burton, Samuel.....	E $\frac{1}{2}$ 17	4	See Sub-Division No.	2
	Etc.	Etc.	Etc.	Etc.	Etc.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

No. on Roll.	NAME.	Lot.	Con. or Street.	—	Post Office Address.
4	Archer, Henry .....	4	3	Owner.	2
82	Burke, Edmund.....	W $\frac{1}{2}$ 17	4	Farmer's Son.	3
	Etc.	Etc.	Etc.	Etc.	Etc.

PART

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

No. on Roll.	NAME.	Lot.	Con. or Street.	—	Post Office Address.
43	Acroyd, James .....	N $\frac{1}{2}$ 3	4	M. F.	3
8	Amos, Joseph.....	3	7	M. F.	3
	Etc.	Etc.	Etc.	Etc.	Etc.

POLLING SUB-DIVISION, No. 2, COMPRISING, ETC.:—(*Giving the limits.*)  
Etc., Etc., Etc.

FORM 2.

(Section 7.)

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby certify that parts one and three of the within (or above) list constitute a correct list for the year 18\_\_\_\_ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that parts one and two constitute a correct list for said year of all persons appearing by the said Roll to be entitled to vote at Municipal Elections in said Municipality; and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
A. B.,  
Clerk of \_\_\_\_\_

FORM 3.

(Section 9.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' List, 18\_\_\_\_.—Municipality of the \_\_\_\_\_ of \_\_\_\_\_  
County of \_\_\_\_\_

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in sections 5 and 6 of *The Ontario Voters' Lists Act, 1889*, the copies required by said sections to be so transmitted or delivered of the list, made pursuant to said Act, of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote in the said Municipality at Elections for Members of the Legislative Assembly and at Municipal Elections; and that said list was first posted up at my office, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and remains there for inspection.

Electors are called upon to examine the said list, and, if any omissions or any other errors are found therein, to take immediate proceedings to have the said errors corrected according to law.

Dated, etc \_\_\_\_\_  
A. B.,  
Clerk of \_\_\_\_\_

## FORM 4.

(Section 10, Sub-sec. 2.)

## VOTER'S NOTICE OF COMPLAINT ON GROUND OF DISQUALIFICATION.

To the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

I, *Angus Bell*, a voter (or a person entitled to be a voter) in the said Municipality (or for the Electoral District in which the Municipality is situated), complain that the name of *John Jack* is wrongly entered in the Voters' List for the said Municipality, he being a person disqualified under the \_\_\_\_\_ section of (*here name the Act or Acts*): And take notice that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

ANGUS BELL,  
Residence—Township of York.

## FORM 5.

(Section 10, Sub-sec. 3.)

## NOTICE AND APPLICATION BY VOTER WHO HAS ACQUIRED PROPERTY SINCE ASSESSMENT.

To the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

I, *Luke Doran*, a person entitled to be a voter in the said Municipality, complain that the name of *Peter Short* is wrongly inserted in the Voters' List for the said Municipality, he having before the final revision and correction of the Assessment Roll transferred to me the property in respect to which his name is entered on the said List (or parted with the property in respect to which his name is entered on the Voters' List, and that I am in possession of the same): And take notice that I intend to apply to the Judge to have my name entered on the said List, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

LUKE DORAN.

## FORM 6.

(Section 13, Sub-sec. 1.)

## VOTER'S NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

I, *James Smith*, a voter (or person entitled to be a voter) for the Electoral District of \_\_\_\_\_; in which the said municipality is situated, complain (*state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person respectively—or set forth in lists as follows, varying according to circumstances*), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality, as shewn in said list, but are wrongfully omitted from the Voters' List:—That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongfully stated in the said Voters' List, as shewn in said list No. 2:—That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said Voters' List, as shewn in said list

list

list No. 3 :—And that there are errors in the description of the property in respect to which the names respectively are entered on the Voters' List (*or stating other errors*), as shewn in the subjoined list No. 4 :—And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the                      day of                      18

JAMES SMITH,  
Residence—Township of *Beby*.

*Lists of Complaints mentioned in the above Notice of Complaint.*

LIST NO. 1 (*shewing voters wrongfully omitted from the Voters' List.*)

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper ....	Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con.
Simon Beauclerk..	Manhood Franchise voter.
Angus Blain.....	Assessed too low—property worth \$

LIST NO. 2 (*shewing voters wrongly named in Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend.	2	1	Should be <i>Joseph</i> Townsend.
John McBean ....	4	1	Should be John McBean <i>the younger</i> .
S. Connell.....	3	2	Should be <i>Simon</i> O'Connell. etc., etc.

LIST NO. 3 (*shewing persons wrongfully inserted in the Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	4	1	Died before final revision of roll.
John May .....	3	2	Not entitled to Manhood Franchise.
David Walters....	2	2	Assessed too high—property worth under \$            etc.,            etc.

LIST NO. 4 (*shewing voters whose property or qualification is erroneously described in Voters' List, etc.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn	3	2	Name should be in Sub-division No. 2.
Thomas Gordon...	2	1	Property should be W. $\frac{1}{2}$ lot 7, in 3rd Con.
Ronald Blue.....	4	2	Should be described as owner, not tenant.

FORM

## FORM 7.

(Section 13.)

## CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of

The Clerk of the Municipality of states and reports that the several persons mentioned in column 1 of the Schedule below, and no others, have each given to him (or left for him at his residence or place of abode, *as the fact may be*) written notice complaining of errors or omissions in the Voters' List for the said Municipality for 18 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at dates set down in column 3 of the said Schedule.

Dated, etc.

A. B.,  
Clerk of

Schedule.

1. NAME OF COMPLAINANTS.	2. ERRORS OR OMISSIONS COMPLAINED OF.	3. DATE WHEN NOTICE OF COM- PLAINT RECEIVED BY CLERK.

## FORM 8.

(Section 13.)

## JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.

To , Clerk of the Municipality of the

Upon reading your report and notification respecting the Voters' List for the said Municipality for 18 , pursuant to the statute in that behalf, I appoint the of 18 , at the hour of at in the said county, for holding a Court to hear and determine the several complaints of errors and omissions in the said Voters' List, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office, or the place in which the Council hold their sittings a list of all complaints of errors and omissions in the said Voters' List; and you will notify all parties concerned according to law.

Let the Assessor for the Municipality attend the sittings of the said Court, and let the original Assessment Roll of the Municipality for 18 , and the minutes of the Court of Revision for the Municipality for 18 , be produced before me or the Acting Judge, on the day and at the place above mentioned.

Dated day of 18 .

Judge C. C.

FORM

## FORM 9.

(Section 13.)

## NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given, that a Court will be held, pursuant to *The Ontario Voters' Lists Act, 1889*, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ for the purpose of hearing all complaints made against the Voters' List for the Municipality of \_\_\_\_\_ for 18\_\_\_\_, particulars of which complaints are shown in the subjoined schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated, &amp;c.

A.B.,

Clerk of

*Schedule.*

NAME OF PARTY COMPLAIN- ING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE	GROUND OF COMPLAINT ALLEGED.

## FORM 10.

(Section 13, Sub-sec. 3.)

## CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given, that a Court will be held, pursuant to *The Ontario Voters' Lists Act, 1889*, by His Honour the Judge of the County Court of the County of \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ o'clock, to hear and determine the several complaints of errors and omissions in the Voters' List of the Municipality of \_\_\_\_\_ for 18\_\_\_\_.

All persons having business at the Court are required to attend at the said time and place.

Dated, &amp;c.

A.B.,

Clerk of

## FORM 11.

(Section 13.)

## CLERK'S NOTICE TO PARTY COMPLAINING.

*The Ontario Voters' Lists Act, 1889.*

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the Revision of the Voters' List, 18 , for the Municipality of , will be held by the Judge (or acting Judge) of the County Court of the County of , at , on the day of , 18 , at o'clock, at which Court all complaints duly lodged of any error or omission in the said List will be heard and determined. A list of said complaints is posted up in and you are hereby required to be and appear at such Court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of

Dated                      day of                      18 .

To

A person complaining of error in the {  
said Voters' List. }

A. B.,

Clerk of the Municipality of, , and  
constituted Clerk of said Court.

## FORM 12.

(Section 13.)

## CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

*The Ontario Voters' Lists Act, 1889.*

You are hereby notified that, pursuant to the Statute in that behalf a Court for the Revision of the Voters' List, 18 , for the Municipality of , will be held by the Judge (or acting Judge) of the County Court of the County of , at , on the day of , 18 , at o'clock, and you are required to appear at the said Court, for that has complained that your name is wrongly inserted in the said Voters' List (because, etc., *state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of his Honour the Judge of the County Court of the County of

To

Entered on said Voters' List.

A. B.,

Clerk of the said Municipality, and constituted  
Clerk of the said Court.

## FORM 13.

(Section 14, Sub-sec. 1.)



## SUBPŒNA.

ONTARIO : } VICTORIA, by the Grace of God, of the United  
County of , } Kingdom of Great Britain and Ireland, Queen,  
To Wit. } Defender of the Faith.

To

Greeting :

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of , at , on the day of 18 , at o'clock in the noon, at a Court appointed, and there and then to be held, for hearing complaints of errors in the Voters' List for 18 , of the Municipality of the of , in the County of , and for revision of the said Voters' List , then and there to testify to all and singular those things which you know in a certain matter (or matters) of complaint made and now depending before the said Judge, under *The Ontario Voters' Lists Act, 1889*, wherein one is complainant, and which complaint is to be tried at the said Court. Herein fail not.

Witness, His Honour  
the day of

, Judge of our said Court at  
, in the year of our Lord 18 .  
A. B.,  
Clerk.

## FORM 14.

(Section 16.)

## REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 16.

To the Judge of the County Court of the County of .

I, , Clerk of the Municipality of , in the said County of , do hereby certify as follows :

That I did, on the day of , 18 , post up, and for a period of thirty days next thereafter keep posted up, in a conspicuous place in my office at , a true and correct printed copy of the Voters' List for the said Municipality of for 18 , made in pursuance of *The Ontario Voters' Lists Act, 1889*, with the certificate required by section 7 of the said Act endorsed thereon.

That I did also duly deliver and transmit by post, by registered letter (or, by parcel post registered), the required number of similar printed copies of the said Voters' List, with my certificate endorsed, to each and all of the persons entitled to the same under sections 5 and 6 of said Act.

That I did on the day of , 18 , cause to be inserted in the newspaper called the , published in , the notice required by section 9 of the said Act.

That no person gave me nor did I receive any written notice of complaint and intention to apply to the Judge or Junior or acting Judge of the County Court of said County of in respect to the said Voters' List within thirty days after I, the said Clerk, had posted up the said List in my office, as directed by the provisions of the said Act.

And

And that to the best of my knowledge and belief, I have complied with the several requirements of the said Act, so as to entitle me to apply for certified copies under section 16 of the said Act, and I do hereby, in pursuance thereof, now apply to you the said Judge to certify three of the copies of the said List received by you as being the Revised List of Voters for the municipality of the said \_\_\_\_\_ of \_\_\_\_\_ for the year of our Lord 18 \_\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

\_\_\_\_\_,  
*Clerk of the Municipality of \_\_\_\_\_*

\_\_\_\_\_, P. O.

FORM 15.  
(Section 16.)

CERTIFICATE OF NO COMPLAINTS.

County of \_\_\_\_\_

*A. B.*, Clerk of the Municipality of the \_\_\_\_\_, having certified under his hand that no complaint respecting the List of Voters for said municipality, for the year, 18 \_\_\_\_\_, had been received by him within thirty days after the first posting up of the same; and on application of the Clerk, \_\_\_\_\_ I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, in pursuance of the provisions of *The Ontario Voters' Lists Act, 1889*, certify that the annexed printed List of Voters, being one of the copies received by me from the said Clerk, under section 5 of the said Act, is the Revised List of Voters for the said Municipality for the year 18 \_\_\_\_\_.

Given under my hand and seal, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

\_\_\_\_\_,  
*Judge.*

FORM 16.  
(Section 17, Sub-sec. 1.)

STATEMENT OF ALTERATIONS BY JUDGE.

Be it remembered, that upon a final revision and correction of the List of Voters of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_ for the year 18 \_\_\_\_\_, pursuant to the provisions of *The Ontario Voters' Lists Act, 1889*, the following changes were duly made by me in the copies of the said list received by me from the Clerk of the said Municipality, viz.:

1. The following persons are added to the said List :

NAME.	POLLING SUB-DIVISION.	PART OF LIST.	PROPERTY, OR OTHER QUALIFICATION.

2. The following persons are struck off the said list:—

NAME.	POLLING SUB-DIVISION.	PART OF LIST.	PROPERTY, OR OTHER QUALIFICATION.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted:—

NAME.	POLLING SUB-DIVISION.	PART OF LIST.	PROPERTY, OR OTHER QUALIFICATION AS ORIGINALLY DESCRIBED ON LIST.	PROPERTY, OR OTHER QUALIFICATION AS ALTERED.

4. The following changes are made in the names of voters incorrectly named:

NAME ORIGINALLY ON LIST.	POLLING SUB-DIVISION.	PART OF LIST.	NAME AS ALTERED.	PROPERTY, OR OTHER QUALIFICATION.

Witness my hand this

day of

A.D. 18 .

County Judge, County of

### FORM 17.

(Section 17, Sub-sec. 1.)

#### CERTIFICATE OF JUDGE.

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, pursuant to section 17 of *The Ontario Voters' Lists Act, 1889*, do hereby certify that the above (*as the case may be*) is a corrected copy of the List of Voters, for the year 18\_\_\_\_, received by me from the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at

, this

day of

, 18 .

Judge.

## FORM 18.

(Section 29, Sub-sec. 1).

## ORDER FOR PAYMENT OF COSTS.

*The Ontario Voters' Lists Act, 1889.*

In the matter of the Voters' List for the Municipality of \_\_\_\_\_, 18\_\_\_\_, and of the complaint and appeal to the Judge of the County Court of the County of \_\_\_\_\_, by A. B., complaining of the name of C. D. being wrongly inserted in the said List (or, as the case may be, stating in brief the nature of the complaint).

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of the said C. D. was rightly inserted in the said List (or, was wrongly inserted in the said List), and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint,—or, and order that E. F., the Assessor of the said Municipality, being blameable for such wrong insertion, do pay the said A. B. his costs incident to the said complaint,—or, as the case may be, stating it in brief), said costs to be taxed pursuant to the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

Judge.

## FORM 19.

(Section 30.)

## WRIT OF EXECUTION.

*VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.*

To the Sheriff of the \_\_\_\_\_

GREETING :

We command you that of the goods and chattels in your bailiwick of C. D., you cause to be made \$ \_\_\_\_\_, for certain costs which lately by an order of His Honour \_\_\_\_\_, Judge of the County Court of \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, were ordered to be paid by the said C. D. to A. B., as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of \_\_\_\_\_, in the said County, for 18\_\_\_\_, made and prosecuted under the provisions of *The Ontario Voters' Lists Act, 1889*, which said costs have been taxed and allowed at the said sum, as appears of record; and have that money before Our Judge of Our said Court at \_\_\_\_\_ immediately after the execution hereof; and in what manner you shall have executed this Our writ, make appear to Our Judge aforesaid at \_\_\_\_\_ immediately after the execution thereof, and have you there then this writ.

Witness, His Honour \_\_\_\_\_, Judge of Our said Court, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 18\_\_\_\_.

A. B.,  
Clerk.

FORM

## FORM 20.

(Section 32.)

## ORDER FOR ASSESSMENT OF PERSONS OMITTED FROM ROLL, ETC..

In the matter of assessment for the year 18 , in the Municipality of

The persons mentioned in the first column of the Schedules following not being assessed, or not being sufficiently assessed, on the Assessment Roll of the Municipality of , for the year 18 , and having been found entitled to vote, on proceedings taken before me, Judge of the County of , under *The Ontario Voters' Lists Act, 1889*. In pursuance of section 32 of the said Act, it is adjudged that the said parties mentioned in the first columns of the following Schedules respectively should have been assessed for the sums mentioned in the second columns respectively opposite their respective names, in respect to the land or other property or qualification mentioned in the third columns of said Schedules respectively opposite the respective names of said parties, and it is ordered that the said parties should be assessed accordingly.

Dated the                      day of                      A. D. 18 .

*Judge.*

## Schedule 1.

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the Municipality of for the year 18 , but not assessed.	Amount for which the parties should have been assessed.	Property in respect to which the liability to assessment exists.

## Schedule 2.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the Municipality of for the year 18 .	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

## FORM 21.

(Section 34, Sub-sec. 1.)

## APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 34 of *The Ontario Voters' Lists Act, 1889*, I, A. B., Clerk of the Peace for the County of (or, a person entitled to be named as an elector on the Voters' Lists for the Municipality

of \_\_\_\_\_, for 18 \_\_,) hereby inform His Honour the Judge of the County Court of the said County, that *C. D.*, Clerk of the Municipality of \_\_\_\_\_, in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he the said *C. D.* has not made out the Alphabetical List of Voters for 18 \_\_, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (*or*, has not delivered or transmitted printed copies of the Voters' List for the said Municipality, for 18 \_\_, to \_\_\_\_\_ and \_\_\_\_\_ or to any of them *or*, as the case may be, stating in brief the duty not performed), according to the requirements of the said Act; and I apply to you the said Judge to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_.

*A. B.*,  
Clerk of the Peace.

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FORM 22.

(Section 34, Sub-sec. 3.)

SUMMONS.

*The Ontario Voters' Lists Act, 1889.*

In the matter of the Voters' List for the Municipality of \_\_\_\_\_ in the County of \_\_\_\_\_, for 18 \_\_.

Whereas it appears by the application of *A. B.*, the Clerk of the Peace for the said County (*or*, a person entitled to be named as an elector on the said List), made to me, in pursuance of the said Act, that you, *C. D.*, the Clerk of the said Municipality, have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of Voters for 18 \_\_, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (*or*, as the case may be, following the application); and whereas the said *A. B.* has applied to me to enforce the performance of the duties aforesaid;

You, the said *C. D.*, are therefore hereby required to be and appear before me at my Chambers, in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_. at the hour of \_\_\_\_\_, and then and there have with you and produce before me the Assessment Roll for 18 \_\_, for the said Municipality, and any documents in your custody, power or control, relating to the Assessment Roll, or to the Voters' List aforesaid; and then and there submit yourself for the examination on oath as may be required of you. Herein fail not at your peril.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_.

To *C. D.*,  
Clerk of the Municipality of \_\_\_\_\_

*Judge.*

## CHAPTER 4.

## An Act to amend the Ontario Election Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Communica-  
tion with  
Pelee Island  
and Amherst  
Island  
may be by  
telephone.

1. *The Ontario Election Act* is amended by inserting therein the following section immediately after section 37 of the said Act :—

37*a*. Whenever an election of a member to the Legislative Assembly to represent any electoral district of which either Pelee Island or Amherst Island forms a part is to be held between the months of October and April, the Lieutenant-Governor in Council, if satisfied that communication and travel between said Pelee Island or Amherst Island and the main land is, during the holding of such election, likely to be dangerous or to be interrupted, may direct that all necessary instructions and information relating to such election may be transmitted by telephone by the returning officer to the deputy returning officer or officers, and by him or them to the returning officer, so that such returning officer may be informed of the number of votes given for each candidate and of all other matters relating to the election, and be enabled to return the candidate having the majority, or to make such other return as the case requires; and the Lieutenant-Governor-in-Council may make such order as to the details of the proceedings at or relating to such election, to be so transmitted to either said Pelee Island or Amherst Island, as the case may be, as to him seems proper for best attaining the purpose of this enactment.

Meaning of  
"The Voters'  
Lists Act" in  
the Ontario  
Election Act.

2. From and after the coming into force of *The Ontario Voters' Lists Act, 1889*, the expression *The Voters' Lists Act*, wherever the same occurs in *The Ontario Election Act*, shall mean the said *The Ontario Voters' Lists Act, 1889*.

## CHAPTER 5.

## An Act respecting Oaths under the Manhood Suffrage Act.

[Assented to 23rd March, 1889.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The oaths to be taken by voters, or persons claiming to be voters, under *The Manhood Suffrage Act*, shall be those set forth in the Schedule hereto in Forms C, D, E, F, G, H, I and K instead of those mentioned in section 91 of *The Ontario Election Act*. The Forms A and B in the said Schedule are substituted for the form given in the Schedule to *The Manhood Suffrage Act* for the purposes of section 9 of the said Act.

Oaths under  
51 V. c. 4.

(2) Every person entered on a voters' list as being a voter under *The Manhood Suffrage Act*, shall when voting at any election under *The Ontario Election Act*, and if required to take any oath or affirmation under the provisions of said section 91 of said last mentioned Act, be at liberty to select for himself for that purpose either of the said forms C, D, E, F, G, H, I, and K, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll.

2. In any Electoral District, or part of any Electoral District, in which *The Manhood Suffrage Act* is not in force, the voters' lists to be used shall be prepared in the same manner as they were prior to the passing of this Act, and the oaths to be taken in such Electoral or part of Electoral Districts shall be those provided for by *The Ontario Election Act*.

Voters' lists  
and oaths in  
districts to  
which 51 V.  
c. 4 does  
not apply.

## SCHEDULE.

## FORM A.

## FORM OF AFFIDAVIT BY PERSON CLAIMING TO BE PLACED ON THE ASSESSMENT ROLL AS A VOTER.

I, \_\_\_\_\_, make oath and say as follows :

I am a British subject, (by birth, or naturalization), and I have resided in this Province for the nine months next preceding the day of \_\_\_\_\_ in the present year (the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll.)

I was at the said date in good faith a resident of and domiciled in (giving name of municipality for which the assessor is making his roll), and I have resided therein continuously from the said date, and I now reside \_\_\_\_\_

reside therein at (*here give the deponent's residence by the number thereof (if any) and the street or locality whereon or wherein the same is situated, if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of lot whereon it is situated.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at	in the County	}	(Signature of Voter)
of this day of	18 .		
(Signature of J.P. etc.)			

(*This Oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.*)

#### FORM B.

##### FORM OF AFFIDAVIT FOR SAME PURPOSE AS FORM A.

*But where the person has been temporarily absent from the municipality*

I, \_\_\_\_\_, make oath and say as follows :

I am a British subject (by birth, or naturalization) and I have resided in this Province for the nine months next preceding the day of \_\_\_\_\_ in the present year, (*the day to be filled in here is the date on which by statute or by-law the Assessor is to begin making his roll.*)

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*) and have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence by the number thereof if any, and the street or locality whereon or wherein the same is situated if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of lot whereon it is situated.*)

And I have not been absent from this Province during the said nine months, except occasionally or temporarily in the prosecution of my occupation as (*mentioning as the case may be a lumberman, or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada naming the institution if absent as student.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at	in the County	}	(Signature of Voter).
of this day of	18 .		
(Signature of J.P. or Commissioner, etc.)			

(*The Oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.*)

#### FORM C.

##### FORM OF OATH, in ordinary cases, TO BE ADMINISTERED AT AN ELECTION TO VOTERS BY VIRTUE OF MANHOOD SUFFRAGE.

*Where the voter was a resident for nine months before the Assessor began his roll.*

You swear that you are the person named, or intended to be named, by the name of \_\_\_\_\_ in the list of voters now shown to you.

That you are a British subject by birth, or naturalization, and that you have resided in this Province for the nine months next preceding the day fixed by law for beginning to make the assessment roll on which the voters' list now shown to you is based.

That

That you were at the said date in good faith a resident of and domiciled in this municipality in which you are now voting,

That you have resided in the electoral district in and for which this election is now being held continuously from the said date and that you are now actually residing and domiciled therein.

That you are entitled to vote at this election and in this municipality.

That you are of the full age of 21 years ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

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#### FORM D.

#### FORM OF OATH FOR SAME PURPOSE AS FORM C,

*Where the Voter was temporarily absent from the Province.*

You swear that you are the person named or intended to be named by the name of \_\_\_\_\_ in the list of voters now shown to you ;

That you are a British subject by birth, or naturalization, and that you have resided in this Province for the nine months next preceding the day fixed by law for beginning to make the assessment roll on which the voters' list now shown to you is based.

That you were at the said date in good faith a resident of and domiciled in this municipality in which you are now voting.

That you have resided in the electoral district in and for which this election is now being held continuously from the said date, and that you are now actually resident and domiciled therein.

That you have not been absent from this Province during the said nine months, or at any time since, except occasionally or temporarily, in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman, or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada naming the institution.*)

That you are entitled to vote at this election and in this municipality.

That you are of the full age of 21 years ;

That you have not voted before at this election, either at this or at any other polling place, that you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

## FORM E.

FORM OF OATH, *in ordinary cases*, TO BE TAKEN AT AN ELECTION BY  
VOTER ON A SUPPLEMENTARY LIST OF VOTERS,

WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN, OR VILLAGE,  
OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY  
SITUATED IN TWO OR MORE ELECTORAL DISTRICTS,

*Where the Voter was a resident for nine months before the Assessor began  
his roll.*

You swear that you are the person named or intended to be named by  
the name of \_\_\_\_\_, in the supplementary  
list of voters now shown to you.

That you resided in the Province for nine months next preceding the day  
fixed by law for beginning to make the assessment roll on which the  
voters' list now shown to you is based.

That you were at the said date in good faith a resident of and domici-  
ciled in (*giving name of municipality*) being in territory now part of this  
municipality, and have ever since continuously resided in territory now  
included within the electoral district in and for which this election is  
now being held.

That you are now actually and in good faith a resident of and domiciled  
within the electoral district in and for which this election is now being  
held.

That you are entitled to vote at this election and in this municipality ;

That you are a British subject by birth, or naturalization, and of the  
full age of 21 years ;

That you have not voted before at this election, either at this or any  
other polling place ;

That you have not received anything, nor has anything been promised  
you, either directly or indirectly, either to induce you to vote at this  
election or for loss of time, travelling expenses, hire of team, or any other  
service connected therewith ;

And that you have not directly or indirectly paid or promised anything  
to any person, either to induce him to vote or to refrain from voting at  
this election.

So help you God.

## FORM F.

FORM OF OATH FOR SAME PURPOSE AS FORM E,

*But where the Voter has been temporarily absent from the municipality.*

You swear that you are the person named or intended to be named by  
the name of \_\_\_\_\_ in the supplementary list of voters now  
shown to you.

That you resided in the Province for the nine months next preceding  
the day fixed by law for beginning to make the Assessment Roll on which  
the voters' list now shown to you is based.

That on the said date you were in good faith a resident of and domiciled  
in (*giving name of municipality*), being territory now part of this munici-  
pality, and have since continuously resided in territory now included  
within the electoral district in and for which this election is now being  
held.

That you have not been absent from this Province during the said nine  
months, or at any time since, except occasionally or temporarily, in the  
prosecution of your occupation as (*mentioning, as the case may be, a  
mariner, or lumberman, or fisherman, or in attendance as a student in an  
institution of learning in the Dominion of Canada, naming the institution*).

That

That you are now actually and in good faith a resident of and domiciled within the electoral district, in and for which this election is now being held.

That you are entitled to vote at this election and in this municipality ;

That you are a British subject (by birth, or naturalization) and of the full age of 21 years ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any service connected therewith ; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

So help you God.

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(MEMORANDUM: Where a voter does not come within the NINE months' provision in the foregoing forms, but has resided within the Province for the TWELVE months next preceding the time up to which a complaint may be made to the County Judge, under *The Voters' Lists Act*, or this Act, the following forms may be used) :—

#### FORM G.

FORM OF OATH IN ORDINARY CASES TO BE ADMINISTERED AT AN ELECTION  
TO A VOTER BY VIRTUE OF MANHOOD SUFFRAGE,

WHERE HE WAS RESIDENT FOR TWELVE MONTHS PRECEDING THE TIME  
FOR MAKING APPEALS TO THE COUNTY JUDGE TO BE PLACED ON  
VOTERS' LIST.

You swear that you are the person named or intended to be named by  
the name of \_\_\_\_\_ in the list of voters now shown to you ;

That you are a British subject, by birth, or naturalization and that you have resided in this Province for the twelve months next preceding the last day on which, under the Act relating to Voters' Lists, complaint could be made to the County Judge to insert in the voters' list now shown to you the name of any person omitted therefrom.

That you were at the said date in good faith a resident of and domiciled in this municipality in which you are now voting.

That you have resided in the electoral district in and for which this election is now being held continuously from the said date and are now actually resident and domiciled therein.

That you are entitled to vote at this election and in this municipality ;

That you are of the full age of 21 years ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

## FORM H.

FORM OF OATH FOR THE SAME PURPOSE AS FORM G, BUT WHERE THE VOTER WAS TEMPORARILY ABSENT.

You swear that you are the person named or intended to be named by the name of \_\_\_\_\_ in the list of voters now shown to you ;

That you are a British subject by birth, or naturalization, and that you have resided in this Province for the TWELVE months next preceding the last day on which, under the Act relating to Voters' Lists, complaint could be made to the County Judge to insert in the voters' list now shown to you the name of any person omitted therefrom.

That you were at the said date in good faith a resident of and domiciled in this municipality in which you are now voting.

That you have resided in the electoral district in and for which this election is now being held continuously from the said date, and are now actually resident and domiciled therein.

That you have not been absent from this Province during the said twelve months or at any time since, except occasionally or temporarily, in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman, or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution*).

That you are entitled to vote at this election and in this municipality.

That you are of the full age of 21 years ;

That you have not voted before at this election, either at this or at any other polling place, that you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

## FORM I.

FORM OF OATH IN ORDINARY CASES TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS,

WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN, OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

AND WHERE THE VOTER WAS RESIDENT FOR TWELVE MONTHS PRECEDING THE TIME FOR MAKING APPEALS TO THE COUNTY JUDGE TO BE PLACED ON VOTERS' LIST.

You swear that you are the person named or intended to be named by the name of \_\_\_\_\_, in the supplementary list of voters now shown to you.

That you resided in this Province for twelve months next preceding the last day on which, under the Act relating to Voters' Lists, complaint could be made to the County Judge to insert in the voters' list now shown to you the name of any person omitted therefrom.

That you were at the said date in good faith a resident of and domiciled in (*giving name of municipality*) being territory now part of this municipality, and have ever since continuously resided in territory now included within the electoral district in and for which this election is now being held.

That you are now actually and in good faith a resident of and domiciled within the electoral district in and for which this election is now being held.

That

That you are entitled to vote at this election and in this municipality ;  
That you are a British subject (by birth, or naturalization) and of the full age of 21 years ;

That you have not voted before at this election, either at this or <sup>any</sup> other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

So help you God.

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#### FORM K.

#### FORM OF OATH FOR SAME PURPOSE OTHERWISE AS FORM I.

##### *In case of temporary absence.*

You swear that you are the person named or intended to be named by the name of \_\_\_\_\_ in the supplementary list of voters now shown to you ; that you resided in this Province for the twelve months next preceding the last day on which, under the Act relating to Voters' Lists, complaint could be made to the County Judge to insert in the voters' list now shown to you the name of any person omitted therefrom ; that at the said date you were in good faith a resident of and domiciled in (*giving name of municipality*), being territory now part of this municipality, and have since continuously resided in territory now included within the electoral district in and for which this election is now being held.

That you are now actually a resident of and domiciled within the electoral district in and for which this election is now being held.

That you have not been absent from this Province during the said twelve months or at any time since, except occasionally or temporarily, in the prosecution of your occupation as (*mentioning, as the case may be, a mariner, or lumberman, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)

That you are now actually and in good faith a resident of and domiciled within the electoral district in and for which this election is now being held.

That you are entitled to vote at this election and in this municipality.

That you are a British subject (by birth, or naturalization) and of the full age of 21 years.

That you have not voted before at this election, either at this or any other polling place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any service connected therewith ; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

So help you God.

## CHAPTER 6.

## An Act to amend the Act respecting the Office of Sheriff

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Fees of sheriff  
of York.

Rev. Stat.  
c. 83.

1. The sheriff of the county of York shall be entitled to the same fees, charges and allowances in respect of business hereafter done by him as sheriffs of other counties, save as provided with respect to the said county by section 11 of *The Act respecting the fees of Counsel and other Officers in the Administration of Justice*.

## CHAPTER 7.

## An Act as to conveyances of land granted under the Free Grants and Homesteads Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance of  
lands by loca-  
tee without  
concurrence  
of wife.

Rev. Stat. cc.  
25, 26.

1. Where the wife of a locatee under *The Free Grants and Homesteads Act*, or *The Rainy River Free Grants and Homesteads Act*, is a lunatic or of unsound mind and confined as such in a lunatic asylum, or where the wife of any such locatee has been living apart from her husband for two years under such circumstances as by law disentitle her to alimony, the locatee may at any time after the issue of the patent apply to a Judge of the High Court, and if the Judge approves, he may by an order made in a summary way, upon such evidence as to the Judge seems meet, and either *ex parte* or upon notice (to be served personally unless the Judge otherwise directs) dispense with the concurrence of the wife for the purpose of conveying or mortgaging lands located under the said Acts.

Presumption  
of death of  
wife.

2. Where the wife of a locatee under the said Acts has not been heard of for seven years under such circumstances as raise a legal presumption of death, the locatee may apply to a Judge of the High Court, and the Judge may make an order

*ex parte* in a summary way, upon such evidence as to the Judge seems meet, dispensing with the concurrence of the wife for the purpose of conveying or mortgaging lands located as aforesaid.

3. The order may contain conditions or directions for the benefit of the children of the locatee if the Judge sees fit, and, subject to such conditions and directions (if any), the order shall operate to bar the right, title and interest of the wife in and to the land located as aforesaid, as if she being alive and of sound mind had been one of the grantors with her husband, and had duly executed the deed.

## CHAPTER 8.

### An Act to protect the Beaches and Shores of the Province against depredation.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “*The Beaches and Shores Protection Act.*” Short title.

2. This Act applies only to property within the legislative jurisdiction of this Province, and nothing in this Act contained shall be construed to apply to any property belonging to the Dominion of Canada under *The British North America Act*, 1867, or otherwise. Act not to affect Dominion property.

3.—(1) No person shall take or carry away in any vessel, boat, scow, raft or other craft, or otherwise transport by water, any sand, gravel or stones from the beach, shore or waters of lakes Erie, Ontario or Huron, so far as they are within the legislative jurisdiction of this Province, or from any bar or flat (within such jurisdiction) adjoining any channel or entrance to such lakes unless such sand, gravel or stone is taken from a locality distant three rods or more beyond low water mark; or in case the same is taken within that distance, then unless such person has the written consent in that behalf of the owner of the beach, shore, bar, or flat; or in case the said beach, shore, bar or flat belongs to the Province, then unless such person has the consent of

Removal of sand, stones, etc., from beaches forbidden.

either the Lieutenant-Governor in Council or the owner of the land to which such beach, shore, bar or flat so belonging to the Province is adjacent.

(2) The consent of the Lieutenant-Governor in Council in respect of land belonging to the Province, shall be sufficient without the consent of the owner of the adjacent beach, shore, bar or flat; and such consent of the Lieutenant-Governor in Council in respect of land belonging to the Province shall be necessary, in case the Lieutenant-Governor issues a proclamation so declaring with reference to any locality described in the proclamation. All Courts, Magistrates and Justices of the Peace shall take judicial notice of every such proclamation.

Landing on beaches, etc., with intent to remove sand, etc., forbidden.

4. No person, without the consent aforesaid, shall land or go upon any such beach, bar, flat or shore, with intent to remove, or take or carry away, or to assist in removing or taking or carrying away any gravel, sand or stones therefrom.

Possession of sand, etc., with intent to remove forbidden.

5. No person shall have on board his vessel, boat, scow, raft or other craft, or on a vessel, boat, scow, raft or other craft in his possession, any sand, gravel, or stones taken without the consent aforesaid, from any such beach, bar, flat or shore, with intent to carry the same away.

Penalty.

6. Any person violating any provision of this Act, shall forfeit a sum of not less than \$10 and of not more than \$40 and costs for every offence, a moiety of which penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to the owner of the land, or if there is no informer or prosecutor other than the owner, then wholly to the owner.

Recovery of penalties.

7.—(1) Every penalty or forfeiture under this Act, may be sued for and recovered before a Police or Stipendiary Magistrate, or any two Justices of the Peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process under *The Revised Statute respecting Summary Convictions before Justices of the Peace and appeals to General Sessions*. The Magistrates or Justices aforesaid, may in the record of conviction determine to whom the penalty is to be paid, or between whom the same is to be apportioned.

Rev. Stat. c. 74.

Appeal.

(2) An appeal shall lie from any conviction, including the determination as to the person to whom the penalty is to be paid, in accordance with *The Revised Statute respecting the procedure on appeals to the Judge of a County Court from Summary Convictions*.

Rev. Stat. c. 75.

Jurisdiction of magistrates.

8. Any Police Magistrate or Stipendiary Magistrate appointed for or having jurisdiction to act in any city or town, or part of a county or district, shall, with respect to offences and matters under

under this Act, have and exercise jurisdiction over the whole county or union of counties or judicial district in which the city or town, or part of county or district for which he has been appointed, is situate.

9. If any person makes oath or affirmation before a Stipendiary Magistrate, Police Magistrate or Justice of the Peace, that he has reason to believe and does believe that stone, gravel or sand, in respect to which a violation of the provisions of sections 3, 4 or 5 of this Act has been committed, is on board of any vessel, boat, scow, raft or other craft, or at any place, the Magistrate or Justice of the Peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel, boat, scow, raft or craft; and if any stone, gravel or sand is found therein or thereon, he shall seize as well the stone, gravel, or sand, as the vessel, boat, scow, raft or craft described in the search warrant, and shall keep the same secure until final action is had thereon.

Issue of search warrant.

10. The owner, master, or person in possession of the vessel, boat, scow, raft or craft shall be summoned forthwith by the Magistrate or Justice who issued the search warrant, to appear before the said Magistrate, or before two Justices of the Peace, of whom the Justice who issued the search warrant may be one; and if such owner, master, or person in possession of the vessel, boat, scow, raft or craft fails to appear, or if it is shewn to the satisfaction of the Magistrate or Justices of the Peace that a violation of section 5 of this Act has been committed, the Magistrate or Justice, without any further information laid, or trial had, may convict the said owner, master, or person in possession of the vessel, boat, scow, raft, or craft of such offence; and he shall be liable to the penalty mentioned in section 6 of this Act; such penalty, if not paid within ten days after conviction, may be levied by the sale of the vessel, boat, scow, raft or craft, as well as by distress and sale of the goods and chattels of the offender, under the warrant of the Magistrate or Justices having cognizance of the case in like manner as provided by section 7 of this Act.

Issue of summons.

Sale in default.

11. If any question arises as to the place where the sand, gravel or stone was taken on board of the vessel, boat, scow, raft or craft whereon the same was found and seized, the burden of proving the right to take the same shall be upon the owner, master, or person in possession of the vessel, boat, scow, raft or craft.

Burden of proof.

12. Upon return being made of said sale after satisfying the amount of the penalty and costs of said sale, the balance, if any, shall be paid to the owner or owners of the vessel, boat, scow, raft or craft or goods and chattels seized.

Payment of balance after satisfying penalty and costs.

13. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally

Mode of service.



*(If charged under Section 4.)*

did land (or go) upon the beach and land covered with water, lying in front, etc., of which the Province, etc., is owner with intent to remove (or assist, etc.) take and carry away gravel,

*(If charged under Section 5.)*

then being owner, master or person in possession of a vessel, boat, scow, raft or craft, had on board and in his possession as owner, master or person in possession, as aforesaid, sand, gravel or stones taken without consent from the beach and land covered with water lying in front, etc., with intent to carry the same away, in contravention of *The Beaches and Shores Protection Act*.

Wherefore the complainant prays that judgment may be given against the said *C. D.*, as by the said Act provided.

## SCHEDULE B.

## SUMMONS TO DEFENDANT.

Province of Ontario, }  
County of } To *C. D.* of, etc.

Whereas complaint has (this day) been made before me that you (*state the offence in the words of the complaint, or to the like effect*) in contravention of *The Beaches and Shores Protection Act*. Therefore you are hereby commanded to come before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_, to answer the said complaint, and to be dealt with according to law.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

*J. S.* [L. S.]

Police Magistrate or Justice of the Peace for \_\_\_\_\_

## SCHEDULE C.

## SUBPENA TO A WITNESS.

Province of Ontario, }  
County of }

Whereas complaint has been made before me that *C. D.* did (*state the offence as in the summons*), and I am informed that you can give material evidence in the case. Therefore you are commanded to appear before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_, to testify what you know concerning the matter of the said complaint.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

*J. S.* [L. S.]

Justice of the Peace for \_\_\_\_\_

## SCHEDULE

## SCHEDULE D.

## FORM OF CONVICTION.

Province of Ontario, }  
County of }

Be it remembered that on this                      day of                      , 18                      ,  
at                      in the said County, *C. D.*, of                      is convicted  
before me, for that he did, etc., (*stating the offence in accordance with  
the words of the complaint, and the terms of the Act, and the time and place  
where committed*) in contravention of *The Beaches and Shores Protection  
Act*, and I adjudge the said *C. D.* to forfeit and pay as penalty, the  
sum of                      to be applied according to law, and also  
to pay to *A. B.* (the complainant) the sum of                      for costs.  
(And I further determine that the said penalty shall be paid to  
*or* that one-half thereof shall be paid to                      and one-half to  
which penalty I apportion as aforesaid,) and if the said several sums are  
not paid forthwith, (*or on or before the                      of                      next*).  
I order that the same be levied by distress and sale of the goods and  
chattels of the said *C. D.*, and in default of sufficient distress I adjudge  
him to be committed to and imprisoned in the common gaol of the  
County of                      for the period of  
(not exceeding three months, unless the said several sums and all costs  
and charges of the said distress, and of the commitment and conveying of  
the said *A. B.* to the said gaol are sooner paid).

Witness my hand and seal this

day of

18

*J. S.*,

Police Magistrate or Justice of the Peace for

[*L. S.*]

## CHAPTER 9.

## An Act to amend the Agriculture and Arts Act.

[*Assented to 23rd March, 1889.*]

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Rev. Stat. c.  
39, s. 48  
repealed.

1. Section 48 of *The Agriculture and Arts Act* is repealed  
and the following substituted in lieu thereof:—

First meeting.

48.—(1) The first meeting of a township or horticultural so-  
ciety shall be called by the head of the municipality, or in the case  
of a union of municipalities by the heads of such municipalities,  
and in the case of unincorporated townships in the districts of  
Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay and  
Rainy River by such person as the Judge or Stipendiary Magis-  
trate of the district upon the requisition of thirty of the rate-  
payers who have signed the declaration may appoint, at which  
meeting

meeting the election of officers mentioned in section 51 shall take place, and the society so organized shall be entitled to share in the Government grant as hereinafter provided.

(2) All existing societies in unincorporated townships in the districts aforesaid, heretofore organized, which have received Government aid, are hereby declared organized societies as if they had been organized as in sub-section 1 of this section is provided.

2. Section 63 of the said Act is amended by inserting after the word "district" in the sixth line of the said section the words "or any township and horticultural society within the same or adjacent electoral districts." Rev. Stat. c. 39, s. 63 amended.

3. Section 67 of the said Act is amended by adding thereto after sub-section (2) the following:—"Provided, however, that the Entomological Society of Ontario shall at its annual meeting group into five divisions the agricultural divisions enumerated in Schedule A to this Act, and shall elect one person from each of such five divisions (who shall be a resident of the division he represents) as directors of the said society." Rev. Stat. c. 39, s. 67 amended.

## CHAPTER 10.

### An Act respecting the Administration of Justice in Certain Cases.

[Assented to 23rd March, 1889.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Administration of Justice* Short title. Act, 1889."

2. The Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, intituled "*An Act to restrain all Trusts and Directions in Deeds and Wills, whereby the Profits or Produce of Real or Personal Estate shall be accumulated, and the beneficial enjoyment thereof postponed beyond the time therein limited,*" which Act is commonly known as *The Thellusson Act*, is declared to have been and to be in force in Ontario. This section shall not affect any action or other proceeding which has been heretofore brought or is now pending. Thellusson Act to be deemed in force in Ontario.

Rev. Stat. c.  
44, s. 95,  
amended.

3. Section 95 of *The Judicature Act* is amended by cancelling the following words: "Court of Assize and Nisi Prius, or of Oyer and Terminer or general gaol delivery," and inserting instead thereof the words "sittings of the High Court for the trial of civil cases, matters and issues, and for the trial of other matters and proceedings within the jurisdiction of the Provincial Legislature."

Rev. Stat. c.  
44, s. 125,  
sub-s. 14,  
repealed.  
Returns of  
fees.

4. Sub-section 14 of section 125 of *The Judicature Act* is repealed and the following substituted therefor:—

(14) Every officer paid by fees, whether commuted or not, shall, on or before the 15th day of January in every year, transmit to the Inspector of Legal Offices appointed under section 141 of this Act, a just, true and faithful account, verified upon oath, of the amount of fees paid or payable to him in cash or in stamps in respect of his office during the preceding year, and also such particulars with reference to the business of his office as the Inspector of Legal Offices may require.

Payment of  
Surrogate  
fees to Junior  
County  
Judges.

5. Where the fees payable to a Surrogate Judge exceed the sum of \$1,000, a sum not exceeding \$666 may, on the authority of an Order in Council, be paid out of the excess to the Junior Judge of the county, if any, whether there has or has not been a commutation of fees as regards the Senior Judge. The Order in Council shall be laid before the Legislative Assembly as provided by section 159 of *The Judicature Act*.

Rev. Stat. c.  
52, s. 42,  
amended.

6. Section 42 of *The Jurors' Act* is amended by striking out the words "15th day of September," and inserting in lieu thereof the following words "25th day of October."

Application of  
moneys paid  
by debtor to  
sheriff voluntarily.

Rev. Stat. .  
65.

7. In case a debtor voluntarily, and without any sale by the sheriff, pays to the sheriff part of the amount owing, in respect of an execution or claim in the sheriff's hands, and there is at the time no other execution or claim in the sheriff's hands, the sheriff is to apply the same on the execution or claim so in his hands; and section 4 of *The Creditors' Relief Act* shall not apply to the money so received by the sheriff.

Police magis-  
trates in cities.

8. The Lieutenant-Governor in Council may appoint a second Police Magistrate for any city, if the city council by a two-thirds vote of the members present pass a resolution affirming the expediency thereof, and the salary of such second Police Magistrate in cases where the resolution provides that the appointment shall be with salary, shall be paid quarterly by the city for which he is appointed, and at the rate determined upon by the council and approved by the Lieutenant-Governor in Council. A division of the duties of  
the

the two Police Magistrates may be declared by the Order-in-Council making the appointment, or by a subsequent order or orders.

9. Subject to any statute of the Province in this behalf, the procedure for enforcing punishment by fine, penalty or imprisonment for contravention of any statute of the Province, shall conform as nearly as may be to the procedure which might at the time be had under any statute of the Dominion of Canada enforcing the like punishment under such statute. Procedure for enforcing fines and penalties.

10. *The Act to amend the Act respecting the Office of Sheriff* 51 V. c. 6, s. 10, repealed. is amended by striking out section 10 thereof.

11. Instead of the affidavit of justification heretofore required of a sheriff on his appointment, the Lieutenant-Governor in Council may hereafter accept such additional security as may be considered requisite. And it is hereby declared that this section shall be deemed to have been in force as respects any appointments heretofore made, as well as to apply in the case of future appointments. Security to be given by sheriffs.

12. The Judges of the Supreme Court and of the High Court, respectively, shall have the same authority to make rules of Court with respect to District Courts as they have with respect to the High Court and to County Courts, and the Judges authorized as mentioned in section 108 of *The Judicature Act*, shall, with respect to District Courts, have the like authority. Authority to make rules of court for District Courts. Rev. Stat. c. 44.

## CHAPTER 11.

An Act to amend the Law in certain matters of Legal Procedure.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Province of Ontario, enacts as follows :—

1. Section 157 of *The Judicature Act* is amended by adding thereto the following sub-section. Rev. Stat. c. 44, s. 157 amended.

(2) A Local Judge of the High Court may, in cases of emergency, grant an interlocutory injunction under sub-section 8 of section 53 of this Act, in any action in the High Court brought

brought in his county on proof, to the satisfaction of the Judge, that the delay required for an application to the High Court is likely to involve a failure of justice; such injunction to remain in force for a period not exceeding eight days as such Local Judge may direct, unless continued by the High Court. Such injunction shall be by order to be signed, sealed, and issued by the Deputy-Registrar or Deputy-Clerk of the Crown of such county, upon the direction or fiat of such Local Judge, and such injunction shall have the same force and effect and may be continued, varied, dissolved and otherwise dealt with by the High Court as if it had been originally granted by judgment or order of the High Court.

Rev. Stat. c.  
66 amended.

2. The Act intituled "*An Act respecting Absconding Debtors*" is amended by adding thereto the following sections after section 25 thereof:

Sale of debts  
by sheriff.

Rev. Stat. c.  
65.

25. (a) If the real and personal property, credits and effects of an absconding debtor prove insufficient to satisfy the executions obtained against him and claims certified under *The Creditors' Relief Act*, and if there remain debts due to the absconding debtor, the attempt to collect which would be more onerous than beneficial to his creditors, the sheriff may, by an order of the Court or a Judge, sell such debts by public auction after such advertisement thereof, as the Court or Judge may order, and pending such advertisement, the sheriff shall keep a list of the debts to be sold open for inspection at his office, and shall give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than \$100 shall be sold separately, unless the Court or Judge shall otherwise order.

Purchaser  
entitled to sue  
in his own  
name.

25. (b) The person who purchases a debt from the sheriff, may sue for it in his own name, and without any further order of the Court or Judge as effectually as the absconding debtor might have done, and as the sheriff is by section 23 hereof authorized to do, and a bill of sale, which may be in Form "A," or to the like effect, signed and delivered to him by the sheriff, shall be *prima facie* evidence of such purchase, and of the sheriff's authority to sell without proof of the handwriting of the sheriff, or of the writ or order, or of the sale, and no warranty on the part of the sheriff that the debt is due or otherwise shall be created by such sale and conveyance, and in any action by the purchaser of such debt, the defendant shall be allowed to set up any defence which would have availed him against the absconding debtor at the date of the writ of attachment.

## FORM "A."

In consideration of the sum of \$ \_\_\_\_\_, the receipt whereof, I do hereby acknowledge :

I *A. B.*, Sheriff of the County of \_\_\_\_\_, under and by virtue of a writ of attachment dated \_\_\_\_\_, issued under *The Act respecting Absconding Debtors*, against the real and personal property, credits and effects of *C. D.*, an absconding debtor, and under and by virtue of an order in that behalf hereby sell and assign to *E. F.*, all claim by the said absconding debtor, against *G. H.*, of (*describing the debtor*), with evidences of debt and securities thereto appertaining ; but without any warranty of any kind or nature whatsoever.

## CHAPTER 12.

## An Act to amend the Division Courts Act.

[Assented to 23rd March, 1889.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where the fees and emoluments earned by the clerk or the bailiff of any Division Court are less than \$500 a year the cost of all books required by *The Division Courts Act* to be kept by them shall be paid by the county in which such Division Court is situate.

When county to provide books.

2. Where in any Division Court action a bailiff has seized goods under and by virtue of a writ of execution or attachment, and the action is afterwards settled between the parties thereto, or the defendant in the action makes an assignment for the general benefit of his creditors, the said bailiff shall, until his fees and disbursements upon the said writ are fully paid and satisfied, have a lien therefor upon so much of the said goods as will reasonably satisfy the same, but in the event of a dispute as to the proper amount of said fees and disbursements, the amount claimed therefor may be paid into Court until the proper amount shall be certified by the Judge, and on such payment into Court the said lien shall cease and determine.

Right of bailiff to fees on executions when action settled.

3. In Provisional Judicial Districts, the powers conferred upon the County Judge, the sheriff, the warden of the county, and the Division Court inspector under section 13 of *The Division Courts' Act* shall be exercised by the District Judge, the sheriff, and the Division Court inspector for all the purposes referred to in the said section.

Exercise of powers under Rev. Stat. c. 51, s. 13, in Provisional Judicial Districts.

Rev. Stat. c.  
51, s. 50,  
amended.

4. Section 50 of the said Act is amended by adding the following sub-section thereto:—

County Attorney to act as clerk when office of clerk is vacant.

(3) Upon the resignation, removal or death of the clerk of a Division Court and until such time as his successor is appointed, the County Crown Attorney of the county in which the division is situate, shall perform all the duties, and shall have all the powers of a clerk of a Division Court, and shall be, for the time being, and until the successor is appointed, the clerk of such Division Court.

Rev. Stat. c.  
51, s. 87,  
amended.

5. Section 87 of the said Act is amended by striking out the words “by mistake or inadvertence,” in the first line thereof, and by adding thereto the following: “but the party making the application shall satisfy the Judge by affidavit of the alleged want of jurisdiction of the said Court. The clerk of the Court to which proceedings have been so transferred, shall place the action on the list for trial at the next sittings of his Court, if he receives the papers in the cause six clear days or more before the date of the said sittings, but if not, then he shall place it on the list for trial at the sittings next thereafter; and he shall forthwith, after receiving the said papers, notify the parties or their agents by mailing them registered notices informing them of the date, hour and place of said sittings, and the clerk of the Court issuing the summons shall certify in detail to the Court to which the case is transferred all the costs incurred in the said action up to the date of such transfer.”

Rev. Stat. c.  
51, s. 88,  
amended.

6. The following is added to section 88 of the said Act as sub-section 2 thereof:

Actions by and against clerks and bailiffs.

(2) “Nothing in this section contained shall be taken to prevent any proceedings from being continued in the Court in which the action was brought, where such action was commenced before the appointment of such clerk or bailiff,” and the said section shall be construed as if this sub-section had always formed a part thereof.

Bailiff's fees when goods in his possession are taken by sheriff under Rev. Stat. c. 65.

7. When the sheriff, under the provisions of *The Creditors' Relief Act*, takes possession of goods which are in the possession of a Division Court bailiff under a writ of attachment or execution, the costs and disbursements of the said bailiff shall be a first charge upon the goods, and shall be paid by the sheriff to the said bailiff upon demand, after being taxed by the Division Court clerk.

Rev. Stat. c.  
51, s. 97,  
repealed.

8. Section 97 of *The Division Courts Act* is repealed and the following substituted therefor:

Service of summonses on absent defendants.

97. In case the defendant does not reside, or in case none of the defendants, if there be more than one, reside in the county in which the action is brought the summons shall be served fifteen days at least before the return day thereof.

9. Section 99 of the said Act is amended by striking out the figure "8" where it occurs in the said section, and substituting therefor the figures "15."

Rev. Stat. c. 51, s. 99 amended.

10. Section 1 of chapter 10 of the Acts passed in the fifty-first year of Her Majesty's reign is amended by inserting after the word "summons," in the fourth line, the following words: "or is out of the Province of Ontario, but having in Ontario an office and an agent doing business on his behalf."

51 V. c. 10, s. 1, amended.

11. Section 101 of *The Division Courts Act* is amended by adding after the word "corporation," in the second and sixth lines thereof, the words "firm or individual."

Rev. Stat. c. 51, s. 101, amended.

12. Sub-section 1 of section 108 of the said Act is amended by adding after the word "defendant," in the fourth line thereof, the words "primary debtor or garnishee," and also by adding after the word "defendant," in the fifth line thereof, the words "primary debtor or garnishee."

Rev. Stat. c. 51 s. 108, sub-ss. 1-3, amended.

Sub-sections 2 and 3 of the said section 108 are also amended by adding after the word "defendant" where it occurs in said sub-sections, the words "primary debtor or garnishee."

13. Section 135 of the said Act is amended by striking out the word "County," in the seventh line, and substituting the word "Division" therefor.

Rev. Stat. c. 51, s. 135, amended.

14. Section 140 of the said Act is repealed and the following is substituted therefor:—

Rev. Stat. c. 51, s. 140, repealed.

140. The commission, with the evidence taken thereunder and the papers therewith, shall forthwith be returned to the clerk of the Division Court in which the action to which the same relates is pending.

Return of commission to take evidence.

15. Section 141 of the said Act is amended by striking out all the words up to the word "and," in the ninth line thereof, and substituting therefor the following:—

Rev. Stat. c. 51, s. 141, amended.

"The costs of the issue, transmission, execution and return of any such commission shall be in the discretion of the Judge of the Court in which the action is pending, who may allow a sum in gross therefor."

Costs of commission.

16. Section 145 of the said Act is amended by inserting after the word "served," in the fourth line thereof, the following:—"But unless otherwise ordered, no execution shall issue on any such judgment within fifteen days after the entering of such judgment."

Rev. Stat. c. 51, s. 145, amended.

17. Section 157 of the said Act is repealed and the following substituted therefor:—

Rev. Stat. c. 51, s. 157, repealed.

157. Unless exempted by *The Jurors' Act*, every person whose name appears on the last published voters' list of any municipality,

Who may be jurors.  
Rev. Stat. c. 52.

municipality, partly or wholly situate within the limits of any Division Court, and who resides within the said division, and whose name is marked 'J,' as provided in section 23 of the said Act shall be liable to serve as a juror for the Division Court in such division.

Rev. Stat. c.  
51, s. 158,  
repealed.

**18.** Section 158 of *The Division Courts Act* is repealed and the following substituted therefor:—

Jurors, how  
selected and  
summoned.

158. The jurors to be summoned to serve at any Division Court shall be residents of the said division, and shall be taken from the last published voters' lists of the municipalities, partly or wholly within the division, and shall be summoned in rotation, beginning with the first of such persons in such voters' lists who resides within the said division, and whose name is marked 'J,' as provided in the preceding section, and if there be more than one municipality partly or wholly in the division, beginning with the voters' list for the municipality within which the Court is held, and then proceeding to that one of the other voters' lists which contains the greatest number of such persons' names, and so on until all the lists have been gone through, after which they may be gone through again in the same order. But if at any time it shall appear to the County Judge that the cost of summoning a jury is excessive, by reason of the residences of the persons liable to be selected in the ordinary course being in a distant portion of the division, the County Judge may order the clerk of the Division Court to commence at the first name marked 'J,' as before provided upon the voters' list of any municipality partly or wholly within the division.

Rev. Stat. c.  
51, s. 159,  
repealed.

**19.** Section 159 of the said Act is repealed and the following substituted therefor:—

Clerk of municipality to  
furnish  
Division Court  
Clerk with  
copy of voters'  
list.

159. The clerk of every municipality shall furnish each Division Court clerk within whose division the said municipality is partly or wholly situate, with a correct copy of the voters' list of the said municipality immediately after the publication of the same in each year; and after a new voters' list is furnished to him the Division Court clerk shall take the names of jurors therefrom, beginning as nearly as may be at the part of the list corresponding to the place where he left off in the previous list.

Rev. Stat. c.  
51, s. 160,  
amended.  
Summoning  
jurors.

**20.** Section 160 of the said Act is amended by adding thereto the following:—"And the clerk shall issue a summons and also twelve copies thereof for service on said jurors, which 'summons shall be returned to the clerk with the service thereof duly verified by the oath of the bailiff serving the same."

Rev. Stat. c.  
51, s. 164,  
repealed.

**21.** Section 164 of the said Act is repealed and the following substituted therefor:—

164. If any clerk of a municipality, for six days after demand in writing, neglects or refuses to furnish the clerk of a Division Court, within the limits of which the municipality for which he is clerk is partly or wholly situate, with a correct copy of the voters' list as provided in section 159 of this Act, the clerk of the Division Court may issue a summons to be personally served on the said clerk of the municipality, three days at least before the sitting of the Court, requiring him to appear at the then next sitting of the Court, to shew cause why he refused or neglected to comply with the provisions of the said section.

Proceedings against clerk of municipality for refusing to furnish copy of voters' list.

22. Section 165 of the said Act is amended by striking out the word "collector" wherever it occurs, and substituting therefor the words "clerk of the municipality."

Rev. Stat. c. 51, s. 165, amended.

23. Section 175 of the said Act is amended by adding thereto the words "or where the debtor is an unmarried person having no family depending on him for support," but this section shall apply only to debts contracted after the passing of this Act.

Rev. Stat. c. 51, s. 175, amended.

24. Section 217 of the said Act is amended by adding thereto the following words:—"After a transcript has been issued under this section, no further proceedings shall be had in the Court from which the transcript issued without an order from the Judge, unless the creditor, his solicitor or agent, shall make and file with the clerk of the said Court an affidavit stating; (1) That the judgment remains unsatisfied in whole or in part; (2) That the execution issued in the division to which the transcript was issued has been returned *nulla bona*, or that he believes the defendant has not sufficient goods in that division to satisfy the said judgment, and upon such affidavit being filed, the clerk may issue such other process as the creditor may direct."

Rev. Stat. c. 51, s. 217, amended.

Proceedings stayed in office from which transcript of judgment is issued.

25. In any case in which the defendant, primary debtor or garnishee has given the clerk notice that he disputes the plaintiff's claim, or any other notice of which the plaintiff should be informed before the trial, or in any case in which it has become the duty of the clerk to give notice to any party to a cause of any defence, admission, judge's order or other matter, of which he should be notified before the trial, such notice shall show the place and time of the sittings of the Court, at which the cause is to be heard.

Requisites of notices

26. All sections and parts of *The Division Courts' Act* inconsistent with the provisions of this Act are hereby repealed.

Inconsistent enactments repealed.

27. This Act shall be read with and as part of *The Division Courts' Act*, and may be cited as "*The Division Courts' Act, 1889.*"

Mode of citation.

## CHAPTER 13.

## An Act to amend the Revised Statute respecting Arbitrations and References.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application  
of Act.

Rev. Stat. c.  
53; Rev. Stat.  
c. 184.

1. This Act, except sections 4, 6 and 7 thereof, shall apply only to cases in which an appeal does not lie under the provisions of *The Revised Statute respecting Arbitrations and References*, but shall include arbitrations under *The Municipal Act*, and the said sections 4, 6 and 7 shall apply to all arbitrations to which the said first mentioned Act relates.

Award or cer-  
tificate may  
be filed in  
High Court.

2. Any party to an agreement or submission to arbitration by consent, whether by deed or in writing, not under seal, unless such agreement or submission contains words purporting that the parties intended that the provisions of this Act should not apply to it, may, at any time after the making of the award or certificate thereunder, file such award or certificate together with such agreement or submission in the office of the clerk or registrar of any of the divisions of the High Court of Justice.

Effect of filing  
award or cer-  
tificate.

3. The filing of an award or certificate, together with the said agreement or submission, under the provisions of this Act, shall have the same effect as the making of the agreement or submission to arbitration, in pursuance of which it is made, a rule or order of the said Court would have under the existing law and practice of the said Court.

Time for mov-  
ing against  
award limited.

4. A motion to set aside an award or certificate which is filed under the provisions of this Act or the said recited Acts shall not be made after the expiration of fourteen days from the filing thereof and the giving of notice of filing to the parties to such agreement or submission, unless under special circumstances the Court or Judge shall allow an appeal after the fourteen days.

Agreements or  
submissions  
to be deemed  
rules of Court.

5. Every agreement or submission to arbitration which may, under the provisions of section 13 of the said Revised Statute, be made a rule or order of the High Court, shall, for the purpose of any application to enforce or to set aside the award or certificate made thereunder, be deemed to be a rule or order of the said Court, and it shall not be necessary to make or draw up any rule or order for that purpose.

6. An application to set aside an award to which section 4 does not apply shall not be made after the expiration of three months from the making and publication thereof. Time for applying to set aside award limited.

7. Section 38 of *The Act respecting Arbitrations and References* is amended by adding thereto the following as sub-section 2 thereof: Rev. Stat., c. 53, s. 38, amended.

(2) Wherever it has been agreed by any instrument in writing that any question which has arisen or which may arise between parties, shall be determined by arbitration, without specifying the number of arbitrators, or how they are to be appointed, such questions shall be determined by an arbitrator or arbitrators who shall be appointed by a Judge of the High Court of Justice for Ontario, upon the application of any party to such agreement, and upon seven clear days notice in writing of such application to the other party thereto; and the award of any such arbitrator or arbitrators, so appointed, or of the majority thereof, shall have the same power and effect, and shall be subject to the same provisions of law, as if the said arbitrator or arbitrators had been appointed by the said parties, upon a voluntary reference under this Act.

8. This Act shall come into effect on the first day of July next after the passing thereof, and shall not apply to any award or certificate which has heretofore been or shall hereafter and before the said day be made. Commencement of Act.

## CHAPTER 14.

### An Act to amend the Law of Slander.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) In any action of slander for defamatory words spoken of any woman and imputing or meaning that such woman has committed or been guilty of either adultery, fornication or concubinage, it shall not be necessary to allege in the plaintiff's statement of claim, or to prove at the trial, that any special damage resulted to the plaintiff from the utterance of such words, but the plaintiff may recover nominal damages without averment or proof of special damage. Proof of special damage not required in certain cases.

(2) A plaintiff shall not under this Act, or because or by reason of the provisions in this Act contained, be entitled to recover a verdict in any such action, unless in the plaintiff's statement Statement of claim to refer to this Act.

statement of claim when filed in such action there is contained an allegation that the action is brought by the plaintiff under the provisions of this Act.

Security for costs.

(3) In any such action, the defendant may, at any time after the filing of the statement of claim, apply to the Court or a Judge for security for costs, upon notice and an affidavit by the defendant showing the nature of the action and that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a verdict or judgment be given in favour of the defendant, and that the defendant has a good defence to the action on the merits, or that the grounds of action are trivial or frivolous; and the Court or Judge may make an order that the plaintiff shall give security for the costs to be incurred in such action, and the security so ordered shall be given in accordance with the practice in cases where a plaintiff resides out of the Province, and the order shall be a stay of proceedings until the proper security is given as aforesaid.

Examination of parties.

(4) For the purposes of sub-section 3 of this section the plaintiff or the defendant may be examined upon oath at any time after the statement of claim has been filed.

Pending proceedings not affected.

2. Nothing in this Act contained shall be held as applying to or in any manner affecting any action, suit or proceeding heretofore or hereafter brought or prosecuted in respect or because of any words spoken, uttered or published prior to the passing of this Act.

Short title.

3. This Act may be cited and known as "*The Law of Slander Amendment Act, 1889.*"

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## CHAPTER 15.

An Act respecting Appeals on Prosecutions to enforce Penalties and punish Offences under Provincial Acts.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application of Act.

1. This Act does not apply to any prosecution under the authority of an Act of the Parliament of Canada, nor to any prosecution except for an offence the penalty or punishment for which is imposed under the authority of a statute of this Province

Province, or of a statute or law in force therein and within the legislative authority of the Legislature of the Province as regards such penalty or punishment.

2. The expression "Justice" means a Justice of the Peace and includes two or more Justices, if two or more Justices act, <sup>Interpre-</sup> or have jurisdiction; and also includes a Police Magistrate, and a Stipendiary Magistrate. <sup>tation.</sup> "Justice."

3.—(1) An appeal to the Court of Appeal shall lie from a judgment or decision of the High Court, or a Judge thereof, upon an application to quash a conviction made under a statute of the Legislature of Ontario creating an offence punishable by summary conviction before a Justice, or to discharge a prisoner who is held in custody under such conviction, and without giving any security on the appeal, whether the conviction is quashed or the prisoner discharged, or the application is refused: <sup>Appeal from orders quashing convictions.</sup>

Provided that the Attorney-General for Canada or the Attorney-General for Ontario, certifies his opinion that the decision involves a question on the construction of *The British North America Act*, and that the same is of sufficient importance to justify the case being appealed. <sup>Proviso.</sup> 30-31 V. c. 3.

(2) Upon such certificate being produced to the clerk of the Court in which the judgment or decision has been given, the clerk shall certify under the seal of the Court the proceedings had before, or in said Court, to the Court of Appeal; and the Court of Appeal shall thereupon hear and determine the appeal without any formal pleadings, and shall give such order for carrying into effect the judgment of that Court as the circumstances of the case require. Such judgment shall be appealable like other judgments of the said Court.

(3) This section shall be deemed declaratory, and shall apply retroactively as well as otherwise.

4.—(1) Every objection to a prosecution for an offence under a statute of this Province, or for the recovery of a penalty under a statute of this Province, on the ground of the constitutional invalidity of such statute, shall be taken by demurrer before the defendant has pleaded and not otherwise: and the Court shall determine the validity of the objection raised by the demurrer and give judgment thereon; and no motion in arrest of judgment shall be allowed for any question in respect of such indictment on the ground aforesaid where the objection might have been taken advantage of by demurrer. <sup>Determination of objection to prosecution on ground of constitutional invalidity of statute.</sup>

(2) If judgment is given for the Crown on the demurrer the defendant shall, subject to the right of appeal herein-after provided, and to any order which the Court may make, be

be deemed without any further form to have put himself upon the country for trial; and the Court may in the usual manner order a jury for the trial of such person accordingly.

(3) An appeal shall lie from the judgment of the Court upon the demurrer to the Court of Appeal, by the Attorney-General for Canada, or by the Attorney-General for Ontario, or by the defendant.

(4) A copy of the indictment, information or statement and the demurrer and of the judgment of the Court entered thereon, certified under the hand of the Judge of the Court, shall be transmitted forthwith by the clerk of the Court to the Court of Appeal.

(5) The Court of Appeal shall hear and determine the question, and reverse or affirm the judgment given by the Judge on the demurrer, and shall order an entry of the judgment of the Court of Appeal to be made on the record accordingly; which judgment shall be appealable like other judgments of the said Court.

(6) The judgment or order of the Court of Appeal shall be certified under the hand of the Chief Justice or senior Judge to the clerk of the Court from which the indictment was transmitted to the Court of Appeal; and the clerk shall enter the same on the original record in proper form.

Case may be stated by justice for decision of Court of Appeal.

5.—(1) After the determination by a Justice of any information or complaint which he has power to determine in a summary way, under the authority of a statute of this Province, either party to the proceeding, if dissatisfied with the determination as being erroneous as regards the constitutional validity of the statute in point of law, may apply in writing, within ten days after the same, to the said Justice, to state and sign a case setting forth the facts and the grounds of his determination, for the judgment thereon of the Court of Appeal.

(2) And such party, hereinafter called "the appellant," shall, within three days after receiving such case, transmit the same to the Court of Appeal, first giving notice, in writing, of such appeal, with a copy of the case so stated and signed, to the other party to the proceeding in which the determination was given, hereinafter called "the respondent."

Security for costs.

6.—(1) Except as hereinafter provided, the appellant, at the time of making the application, and before a case is stated and delivered to him by the Justice, shall enter into a recognizance before the Justice, with or without surety or sureties, and in such sum as to the Justice seems meet, conditioned to prosecute the appeal without delay, and to submit to the judgment of the Court of Appeal, and to pay such costs as may be awarded by the same.

(2) The appellant shall at the same time, and before he shall be entitled to have the case delivered to him, pay to the Justice his fees in respect of the case and recognizance, and any other fees to which he shall be entitled; which fees, except such as are already provided for by law, shall be according to the schedule to this Act.

(3) The appellant, if then in custody, shall be liberated if the recognizance is further conditioned for his appearance before the same Justice, or in case of that being impracticable, before some other Justice, within ten days after the judgment of the Court of Appeal shall be given, to abide such judgment, unless the determination appealed against be reversed.

(4) If the appeal is brought by or under the direction of the Attorney-General for Canada or the Attorney-General for Ontario, it shall not be necessary for such Attorney-General to give any security on the appeal.

(5) In other cases if the Justice is of opinion that the application is merely frivolous, he may refuse to state a case, and shall on request of the appellant sign and deliver to him a certificate of the refusal.

(6) The Justice shall not refuse to state a case where application for that purpose is made to him by or under the direction of the Attorney-General for Canada or Ontario.

(7) If the Justice refuses to state a case as aforesaid, the appellant may apply to the Court of Appeal, or a Judge thereof sitting in Chambers, by way of motion, in accordance with the ordinary practice of the Court as to notice and otherwise, and upon an affidavit of the facts, for an order on the Justice to state the case; and the Court or Judge may make such order, or discharge the motion, with or without the payment of costs, as to the Court or Judge shall seem meet; and the Justice upon being served with such order, shall state a case accordingly, upon the appellant entering into such recognizance as is hereinbefore provided.

7.—(1) The Court of Appeal shall hear and determine the question of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the Justice, with the opinion of the Court thereon, or may make such other order in relation to the matter, and may make such order as to costs, as to the Court may seem fit; and all such orders shall be appealable like other orders of the said Court. Court to decide case.

(2) No Justice who states and delivers a case in pursuance of this Act, shall be liable to any costs in respect or by reason of the appeal against his determination.

Amendment  
of case.

8. The Court shall have power to cause the case to be sent back for amendment; and thereupon the same shall be amended accordingly; and judgment shall be delivered after it shall have been amended.

Enforcing  
conviction  
or order.

9. After the decision of the Court of Appeal in relation to any case stated under this Act, the Justice in relation to whose determination the case has been stated, or any other Justice exercising the same jurisdiction, shall have the same authority to enforce any conviction or order which has been affirmed, amended, or made by such Court of Appeal, as the Justice who originally decided the case would have had to enforce his determination if the same had not been appealed against; and no action or proceeding shall be commenced or had against the Justice for enforcing the conviction or order, by reason of any defect in the same respectively.

Writ for re-  
moval of case  
not required.

10. No writ of *certiorari* or other writ shall be required for the removal of any conviction, order, or other determination, in relation to which an appeal is taken or a case is stated under this Act, or otherwise, for obtaining the judgment or determination of the Court of Appeal under this Act.

Rules of  
Court.

11. The Court of Appeal may, at any time, make any rules of court, or additional rules of court, for carrying into effect the jurisdiction by this Act conferred on the Court.

Enforcing  
recognizance.

12. Where the conditions or any of them in the recognizance have not been complied with, the Justice who took the same, or any other Justice, shall certify upon the back of the recognizance in what respect the conditions thereof have not been observed, and shall transmit the recognizance to the Clerk of the Peace of the county or district within which the same was taken, to be proceeded upon in like manner as other recognizances duly forfeited may be enforced in accordance with the Act of this Province *Respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Rev. Stat. c.  
74.

Appeal under  
this Act to  
bar other  
appeals.

Rev. Stat. c.  
74.  
Rev. Stat. c.  
75.

13. Any person who appeals under the provisions of this Act against any determination of a Justice from which he is by law entitled to appeal under *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*, or *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, shall be taken to have abandoned such right of appeal finally and conclusively, and to all intents and purposes.

Defendant  
not to be  
ordered to pay  
costs of ap-  
peal.

14. The defendant shall in no event be ordered to pay any costs on any appeals authorized by this Act.

## SCHEDULE A.

(Section 6).

## FEES TO BE TAKEN BY JUSTICES.

For drawing case and copy, where the case does not exceed 5 folios of 100 words each.....	\$2 50
Where the case exceeds 5 folios, then for every additional folio ...	25
For the recognizance to be taken in pursuance of the Act .....	1 50
For every enlargement or renewal thereof.....	50
For certificate of refusal of case.....	50

## CHAPTER 16.

An Act respecting damage to lands by flooding in the new Districts.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where it is claimed that any incorporated company which has had conferred upon it the powers authorized by *The Timber Slide Companies' Act*, or similar powers, or that any incorporated lumber company, or any mill owner or other person engaged in lumbering has caused damage to the land of any person by overflowing the same for the purpose of driving logs or timber or a sawmill, and it is alleged that such damage exceeds the sum of \$20, but no greater sum than \$500 is claimed therefor, such person may apply to the Judge of the District or County Court, or to the Stipendiary Magistrate (if any), to determine the claim under the provisions of this Act.

Damages in respect of which applications may be made.

(b) When the sum claimed for damages does not exceed \$100 the application shall be made to the Stipendiary Magistrate, if there is one, and where the claim exceeds \$100, or where there is no Stipendiary Magistrate, the application shall be made to the Judge of the County or District Court.

(c) When an application is made to the County or District Judge and the damages awarded do not exceed \$100, all additional costs occasioned by the application having been made to the Judge instead of to the Stipendiary Magistrate shall be paid by the applicant, and the Judge shall, in the award or by a subsequent certificate, fix the same and direct their payment.

Form of application.

2. The application may be in the form (as nearly as may be) provided by schedule A to this Act, and shall be delivered or mailed by registered letter to the said Judge or Magistrate, and there shall be attached thereto an affidavit sworn before a Justice of the Peace, or before a commissioner or other person authorized to take affidavits in the High Court, to the effect that the statements made in the application are true. A notice giving a post office address to which any notice not requiring action in less than eight days may be sent to the persons entitled thereto shall be endorsed on the application.

Service of application.

3.—(1) A copy of the application, endorsed with a notice requiring the company to answer the same within 21 days, shall be served on the defendant or on the president, treasurer, secretary or manager of the company, or upon an agent of the company having the charge of a branch of its business within the county or district, or upon some person who might be served with a writ of summons for the company, issued out of the High Court.

(2) The defendant may at any time before the petition is left with the Judge or Magistrate or served, tender to the complainant a sum of money in satisfaction of the damages complained of, and if the Judge or Magistrate finds the said tender to have been sufficient he shall so award, and direct the costs to be paid by the complainant.

(3) The defendant may pay into Court, with his answer or at any subsequent time, upon notice to the complainant, a sum of money by way of compensation or amends, and if the sum is found to be sufficient the defendant shall pay the complainant costs up to the time of the payment into Court of such sum, and the necessary costs of obtaining the same from Court, and the subsequent costs shall be in the discretion of the Judge or Magistrate. The Court in this sub-section mentioned shall be that Division Court of the district or county within which the flooded lands, or some portion thereof, are situate.

Service of answer.

4.—(1) The answer shall be delivered or mailed by registered letter to the Judge or Magistrate, and a copy thereof to the applicant, within the said time. The answer shall give a post office address, to which any notice not requiring action in less than eight days may be sent. At any time after the expiry of the time mentioned in the notice endorsed on the copy of the application served, the Judge or Magistrate may appoint a day and place for the hearing, and may subsequently make other appointments as shall be required. In fixing the time for the hearing, the Judge or Magistrate shall in so far as is practicable, have in view the convenience of both parties and the possibility of their being able at the particular season of the year conveniently to procure the attendance of necessary witnesses.

Place and time for the hearing.

(2) The Judge or Magistrate shall have all the powers of amendment of a Judge of the High Court or of a Judge of Assize and may, when, in his opinion, it is necessary in order to do complete justice add all necessary parties to the proceeding, upon such terms as to him shall seem proper.

5.—(1) The Judge or Magistrate may personally visit the land in question, before or after the hearing, and may act in part or otherwise upon his own inspection, judgment and general knowledge, as well as upon any evidence adduced before him, and may take evidence on oath to be administered by him. Inspection of land by judge.

(2) The Judge or Magistrate in deciding on compensation shall take into consideration the increased value (if any) that has been given to any lands of the complainant adjoining or contiguous to the works which have caused the injury by reason of the construction of such works, and shall deduct such increased value (if any) from the amount found in favour of the complainant.

(3) The Judge or Magistrate shall take full notes of the oral evidence given before him, and file all documentary evidence or a copy thereof; and in case he proceeds partly on a view or any knowledge or skill possessed by himself, he shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto.

6. The Judge or Magistrate shall make his award in writing in respect of the matter; and if the award is in favour of the complainant, he shall state whether it is for past damage only, or covers all future damage which may be sustained by reason of the land being flooded up to a certain height, therein stated and in some way defined. Award.

7. If the award covers future damage it may, after payment of the amount awarded, be registered in the proper registry office upon the order of the Judge or Magistrate. The award shall be final and conclusive between the parties except where it is otherwise hereinafter provided. Registration of award  
Award to be final.

8. The Judge or Magistrate shall, in the award, give such directions as to the payment of costs as he thinks fit, and shall either by the award or by a subsequent certificate, determine the amount of costs to be paid. Costs.

9. Any party to the proceedings may obtain from any Division Court of the district or county a subpoena requiring the attendance of any person as a witness before the Judge or Magistrate, at the time and place appointed to give evidence; and the non-attendance of such person, or his refusal to be sworn or to give evidence, shall be punishable in the same manner as if the application were a suit pending in the said Court, Attendance of witnesses.

Court, provided always that the witness's allowance for his expenses in accordance with the County Court scale has been tendered to him.

Enforcing  
award.

**10.**—(1) Every award or certificate made or given under this Act may be entered and enforced as a judgment of any Division Court in the district or county within the limits of which Division Court the property in respect of which the award is made, or any of it is situate, as a debt of the person or company thereby directed to pay any sum or sums of money.

(2) The said award may be made a judgment of a Division Court by filing the original or a sworn copy thereof in the office of the clerk of such Division Court and the same shall be entered in the books of the Court by the clerk and shall thereupon become and be a judgment of said Court. The clerk shall thereupon, by prepaid registered letter, immediately notify the party against whom such judgment is entered, or his solicitor or agent, where he has appeared by a solicitor or agent, of the fact and of the date and amount of such judgment. The date and fact of mailing such registered letter, shall be forthwith entered by the clerk, in the book in which the judgment is entered.

(3) In case the judgment is so entered for damages in excess of \$100, the clerk shall add to the notice a statement that if the party against whom such judgment is entered is dissatisfied therewith, he may within fourteen days from the date of the entry of judgment apply to the Judge or Magistrate who made the award to set aside the said judgment and award and for a rehearing or a new trial (Schedule C) and the proceedings in respect of any such application may be the same as upon an application for a new trial in a Division Court.

(4) No execution shall issue unless otherwise directed by the Judge or Magistrate until after the expiration of fourteen days from the date of mailing such registered letter and until after any application for a rehearing or a new trial shall have been disposed of, when such application is made.

(5) When any such judgment for damages is in excess of \$200, either party may appeal from the judgment or decision of the Judge or Magistrate upon the application for a rehearing or new trial to a single Judge of the High Court of Justice at the weekly sittings at Osgoode Hall, and the proceedings in and about such appeal shall be the same as nearly as may be as an appeal from the judgment or decision of a Judge of the County Court under Chapter 47 of the Revised Statutes of Ontario, 1887. The complainant shall have the same right to apply for a rehearing or new trial as the party against whom the judgment is entered when his claim exceeds \$100 and the same right of appeal to the High Court when the claim exceeds \$200, and the Judge, or Magistrate certifies that in his opinion the claim is *bona fide* in excess of \$100 or \$200, as the case may be.

**11.** The Judge or Magistrate may by the award direct that the expenses and disbursements actually incurred by him in and about the hearing of the complaint and the making of the award shall be paid by either or any of the parties at the time of the delivery of the award and may further direct that any sum so paid shall be added to or deducted from any other costs or sum by the award ordered to be paid.

Payment of  
judge's ex-  
penses.

**12.** Where the flooding occurs upon the lands of several persons from the construction of the same works, dam or dams, several persons may join as complainants in the same petition where the damage of each does not exceed the sums respectively mentioned in the first section, though in the aggregate they may exceed such sums although in respect of different parcels of land. In such case the lands damaged shall be separately described in the petition, and the owners stated of the respective parcels and the amount of the claim of each person shall also be stated. The Judge or Magistrate may, when there are several petitions, upon the application of the defendants, consolidate those within his jurisdiction, and may order the hearing thereof in such manner as in his opinion will best facilitate the ends of justice and cause the least trouble and expense.

Joinder of  
claims.

In either of the foregoing cases there shall be a separate award as to the claim of each person or in each suit as the case may be, and the costs may be apportioned as the Judge or Magistrate may think just.

Each award shall in such case, when filed with the clerk as is hereinbefore provided, form a separate judgment, and the execution shall be adapted to the proceedings, and the form thereof may be settled by the Judge or Magistrate when necessary.

If the petition or complaint is dismissed, or dismissed as to certain of the complainants, the award need not be separate as to those in respect of whom it is so dismissed.

**13.** Where the sum claimed does not exceed \$20, the action for damages in respect of the injuries in section 1 mentioned may be brought in the Division Court, which shall have jurisdiction to hear, try and dispose of the case, notwithstanding the question of any title to lands may be raised; but the Court shall not, in any proceedings under this section, determine the matter of title to land or to any easement or privilege in connection therewith, nor shall the judgment or decision in any case under this section conclude the parties upon any question except the damages by reason of the flooding aforesaid.

When action  
may be  
brought in  
Division  
Court.

**14.** Where, in any proceedings under this Act (except under section 13), the title to any land or the right to any easement or privilege is really in controversy and is not raised for the purpose of ousting the jurisdiction of the Judge or Magistrate, and the question of compensation is, in the opinion of the Judge or Magistrate, involved in such question and cannot in his

Removal of  
proceedings  
into the High  
Court.

his opinion be determined without the determination of the question of title or of such right as aforesaid, further proceedings under this Act shall not be had or taken, but either party may obtain the certificate of the Judge or Magistrate stating that such question of title or right as aforesaid is involved in the determination of the proceedings, and he shall thereupon be entitled to an order from a Judge of the High Court, removing the proceedings into the latter Court, where they shall be disposed of as the Judge or Court may direct.

When the Judge or Magistrate proceeds, notwithstanding the question of title or right as aforesaid is raised, the award or judgment shall not conclude the parties upon such question of title or right, but only in respect of the damages by reason of the flooding aforesaid.

Defects of form not to invalidate proceedings.

**15.** No proceeding under this Act shall be rendered void or invalid by any want of form, or by reason of any defect or inaccuracy therein.

Limitation of actions.

**16.** All proceedings under this Act in respect of damage or injury to land hereafter flooded shall be commenced within six months next after the time of the supposed damage, or if there be continuation of damage, then within six months next after such damage ceases, or in respect of damage or injury heretofore sustained within six months after the passing of this Act and not afterwards. Nothing herein contained shall authorize proceedings under this Act to recover damages sustained for a longer period before the passing of this Act than three years.

Application of Act.

**17.** This Act shall apply only to the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay and Rainy River, to the Provisional County of Haliburton and to the Electoral Districts of East Victoria, East Peterboro', North Hastings, North and South Renfrew.

Statute of limitations to apply.

**18.** The Statute of Limitations shall apply to proceedings under this Act.

Certain Acts and grants not affected.

**19.** Nothing in this Act contained shall affect the provisions of Chapter 120 of the Revised Statutes of Ontario 1887, intituled "*An Act for protecting the Public interest in Rivers, Streams and Creeks*," nor of any private Act; nor of any reservation or condition in any patent or grant from the Crown.

## SCHEDULE A.

## FORM OF APPLICATION.

In the matter of (*name here the complainant*), complainant, and (*name here the company or person complained of*) defendant.

To His Honour \_\_\_\_\_, Judge or Stipendiary  
Magistrate of the District (*or County*) of \_\_\_\_\_.

The petition of \_\_\_\_\_, of \_\_\_\_\_ in the District (*or County*) of \_\_\_\_\_, respectfully sheweth, that your petitioner is the patentee (*or the locatee*) of (*describing the land.*)

That the above-named defendant constructed a dam and flooded (*fourteen acres*) of the said land, and thereby has done damage to your petitioner to the extent of \$300.

That the following are the particulars of the said damage :—

<i>Fourteen acres of land rendered useless.....</i>	<i>\$240 00</i>
<i>Value of crop of oats in the land.....</i>	<i>60 00</i>
	<hr/>
	<i>\$300 00</i>

(*or as the case may be.*)

The complainant is willing to grant to the company the right to flood the said fourteen acres rendered useless (*or as the case may be.*)

(*Where a Solicitor is employed, say*) Service of any notice or other paper not requiring action in less than eight days may be made upon me by mailing the same by registered letter, addressed to my Solicitor, A. B., at (*name of Post Office, with any more particular address desired.*)

(*Where no Solicitor is employed, say*) Service of any notice or other paper not requiring action in less than eight days may be made upon me by mailing the same by registered letter, addressed to me at (*name of Post Office, with any more particular address desired.*)

The complainant prays that his claim may be heard and disposed of under the provisions of *The Act respecting damage to lands by flooding in the new Districts.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

JAMES THOMPSON, in person.  
Or JAMES THOMPSON,  
by A. B., his Solicitor.

## SCHEDULE B.

## FORM OF SUBPENA.

{ Seal. }

Ontario. To C. D.  
District of { You are hereby required to appear in your proper person  
before \_\_\_\_\_ Judge of the District (*or County*) Court  
TO WIT: of the District (*or County*) or before the Stipendiary  
Magistrate of \_\_\_\_\_ at \_\_\_\_\_ in the Village of \_\_\_\_\_, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 18 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon,  
being the time and place appointed by the said Judge or Magistrate  
for hearing the application of *James Thompson* for damages claimed by  
him from the (*naming the company or person complained of*) under *The*  
Act

*Act respecting damage to lands by flooding in the new Districts, and that you then and there testify to all and singular those things which you know in respect of the matters in question in the said application.*

Given under the seal of the                      Division Court of the District (or  
County) of                      at                      the                      day of                      18                      .

E. F.,  
Clerk.

NOTE.—Insert a *duces tecum* where desired.

### SCHEDULE C.

In the matter of                      complainant,  
and                      defendant.

Take notice that there was this day duly filed in this Court the award of the Judge of                      or of the Stipendiary Magistrate of                      in the above matter, and that the same was thereupon duly entered of judgment against the (*defendant*) for \$ damages and \$ costs.

(When the judgment debt, exclusive of costs exceeds \$100 add.)

If you are dissatisfied with such judgment you may within 14 days from this date apply to the said (Judge or Magistrate) for a rehearing or for a new trial.

Yours, etc.,

\_\_\_\_\_  
Clerk of the                      Division Court of  
the District or County of                      .

Dated at                      this                      day of

To                      (state name and post office address.)

## CHAPTER 17.

An Act to make further provision respecting the Districts of Parry Sound and Muskoka.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sales of land  
for taxes.  
Rev. Stat. c.  
193.

1. From and after the passing of this Act, the powers and duties imposed by *The Assessment Act* upon the treasurer of any county in respect of the collection of arrears of taxes, or in respect of the sale of land for taxes, shall, in the districts of Muskoka and Parry Sound, be performed and exercised by the sheriffs of each of the said districts respectively, and all provisions respecting the sale of lands for taxes in counties shall, so far as practicable and where not inconsistent with this Act, apply

apply to sales under this Act ; and all duties and proceedings required to be performed by the officers of local municipalities, in regard to the collection of such arrears upon lists received from county treasurers, shall, by the said officers, be performed in respect to similar lists received from the sheriffs of the said districts.

2. The treasurers of the counties of Simcoe and Ontario shall return to the sheriffs of Muskoka and Parry Sound respectively a list of all the lands in arrears for taxes not advertised for sale which are situate in their respective districts, and the sheriffs shall enter in their books against the respective lots or parcels of land the arrears so returned, and shall thereafter take all necessary subsequent proceedings for the collection of the same, in the same manner as is required for the collection of other arrears. But in case any of the lands in the said districts have been advertised by the treasurers of the aforesaid counties before the passing of this Act, the sale of such lands shall be completed in the same manner as if this Act had not been passed.

Returns of arrears to be made by treasurers of Simcoe and Ontario to sheriffs of Muskoka and Parry Sound.

3. Section 160 of *The Assessment Act* shall not apply to the districts of Muskoka and Parry Sound.

Rev. Stat. c. 193, s. 160 not to apply to Muskoka and Parry Sound. When lands to be sold for taxes.

4. Where any portion of the tax on the land in the districts of Muskoka and Parry Sound has been due for and in the third year, or for more than three years preceding the current year, the sheriff of the district shall, unless otherwise directed by a by-law of any municipal council in the district, make out a list in duplicate of all the land liable under the provisions of *The Assessment Act* to be sold for taxes in any municipality in the district, with the amount of arrears against each lot set opposite to the same, and transmit the same to the reeve of the municipality in which the land is situate, and such reeve shall authenticate the list by affixing thereto the seal of the corporation and his signature, and one of the lists shall be deposited with the clerk of the municipality, and the other shall be returned to the sheriff with a warrant thereto annexed under the hand of the reeve and the seal of the municipality commanding him to levy upon the land for the arrears due thereon, with his costs.

Rev. Stat. c. 193.

5—(1) Where lands liable to sale for taxes are situate in the township of McMurrich, Ryerson, Strong, Laurier, Nipissing, Perry, Armour, Joly, Gurd, Bethune, Proudfoot, Machar, Himsworth, or in the village of Sundridge, the sale of such lands for taxes shall take place at Burk's Falls.

Place of sale.

(2) Where the lands are situate in the township of Spence, Ferrie, Pringle, Croft, Lount, Hardy, Chapman, Mills, or Patterson, the sale shall take place at Maganetawan village.

(3)

(3) Where the lands are situate in the township of Conger, Humphrey, Monteith, Carling, Shawanaga, Harrison, Wallbridge, Mowat, Cowper, McDougall, McKellar, Hagerman, McKenzie, Wilson, McConkey, Foley, Christie, Ferguson, Burpee, Burton, Brown, Blair, or other parts of the District of Parry Sound not named in this section, the sale shall take place at the town of Parry Sound.

(4) Where the lands are situate in the township of Medora, Wood, Morrison, Muskoka, Ryde, Baxter, Gibson, or Freeman, the sale shall take place at the town of Gravenhurst.

(5) Where the lands are situate in the township of Chaffey, Brunell, Stisted, Stephenson or Sinclair, or in the village of Huntsville, the sale shall take place at the said village of Huntsville.

(6) Where the lands are situate in the townships of Cardwell, Watt, Monck, McLean, Ridout, Macaulay, Draper, Oakley or other parts of Muskoka not named in this section, the sale shall take place at the village of Bracebridge.

Change of  
place of sale.

(7) On an application of the council of any township the place of sale may be directed by the Lieutenant-Governor in Council to be transferred thereafter from any one of the places herein named to any other of them.

Advertise-  
ments of sale.

(8) The advertisements for the sale shall be published in the Ontario Gazette and in some newspaper published at the place of sale or elsewhere in the District and for the periods required by law.

Rev. Stat. c.  
185, s. 33, not  
to apply.

(9) Section 33 of *The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River*, shall not hereafter be deemed to apply to the municipalities named in this section.

51 V. c. 13, s.  
15, sub-s. 3  
repealed.

6.—(1) *The Act respecting Muskoka and Parry Sound* is amended by substituting the following for sub-section 3 of section 15:—

Powers and  
duties of  
deputy clerk.

(3) The said deputy clerk shall issue writs for the commencement of actions in the District Court and in the High Court of Justice, and shall, in respect of actions so commenced and proceedings therein, perform the like duties, and have the like powers and rights, as are performed or possessed by the clerk of the District Court at Parry Sound, and by the local registrar in respect of actions commenced by writs issued out of their offices respectively, and in respect of all proceedings therein, and the deputy clerk shall also issue such writs and process in such actions as may in like case be issued by the clerk of the District Court, and by the local registrar, and may renew such writs as by law may be renewed.

51 V. c. 13, s.  
15, amended.

7. Section 15 of the last mentioned Act is further amended by adding thereto the following sub-section:—

(6)

(6) The deputy clerk of the District Court shall have the custody of a seal similar in design to the seal of the High Court of Justice in the custody of the local registrar at Parry Sound substituting the word "Bracebridge" for the words "Parry Sound," and the deputy clerk shall seal therewith all writs, process and proceedings requiring the seal of the High Court of Justice, and every writ, process or proceeding shall be held to be duly sealed with the seal of the said Court.

8. The following is substituted for sub-section 1 of section 21 of the same Act:—

51 V. c. 13, s. 21, sub-s. 1 repealed.

(1) The sittings of the District Court shall be held at the district town on the first Tuesday of the months of June and November of each year, and besides these sittings the District Court of Muskoka and Parry Sound shall hold sittings on the third Tuesday of the month of June, and the first Tuesday of the month of November of each year, at Bracebridge, for trials and assessments by jury, and sittings of the general sessions of the peace for Muskoka and Parry Sound shall be held on the same days as the District Court.

Sittings of District Court.

9. Section 21 of the same Act is further amended by adding the following sub-section:—

51 V. c. 13, s. 21 amended.

(4) Section 64 of *The Unorganized Territory Act* shall apply to the District Court and general sessions of the peace for Muskoka and Parry Sound.

Rev. Stat. c. 91, s. 64 to apply.

10. Section 15 of *The Unorganized Territory Act*, and sub-section 3 of section 14, sub-section 3 of section 15, sub-section 1 of section 21, of *The Act respecting Muskoka and Parry Sound*, and section 12 of *The Assessment Amendment Act, 1888*, are hereby repealed.

Rev. Stat. c. 91, s. 15, 51 V. c. 13, ss. 14 (3), 15 (3) and 21 (1) and 51 V. c. 29, s. 12 repealed.

## CHAPTER 18.

An Act to amend Chapter 110 of the Revised Statutes as respects Investments by Trustees.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 30 of chapter 110 of the Revised Statutes of Ontario, 1887, is amended by adding the words "or debenture stock" after the word "debentures" wherever that word occurs in the said sub-section.

Rev. Stat. c. 110, s. 30, sub-s. 1, amended.

## CHAPTER 19.

## An Act respecting Registry Offices.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Abstract index to subdivisions of townships, etc.

1.—(1) Whenever from time to time the inspector of registry offices deems that the public convenience so requires, he may direct a registrar to subdivide any township, park or other lots in a city, town or village into such blocks for abstract purposes as having regard to conveyances registered upon such lots and otherwise, he considers most convenient; and in such case an abstract index shall be prepared by the registrar for each of the said blocks as if the same had been originally a separate lot; such abstract index shall extend from the Crown Patent onwards, and shall contain those registrations only that affect the subdivision to which the index relates.

(2) Where the original lines of the lots do not form the boundaries of such blocks, public streets shall be taken as the boundaries thereof.

(3) Where a plan of a lot or part of a lot subdividing the same has heretofore been registered, or where a plan is hereafter registered of a lot or part of a lot not previously subdivided by a registered plan, the inspector may direct the registrar to prepare an abstract of all instruments affecting the part subdivided, and to enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on such plan.

(4) Whenever and as often as a further subdivision of any of the lots on said plan is made, the inspector may direct the registrar to prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the filing of the previous plan onwards.

(5) The registrar shall be allowed for preparing such abstracts, so far as the same relate to instruments registered prior to the inspector's directing the subdivision, such amount as the inspector may determine to be reasonable for the work performed, and the same shall be paid by the owner who registers the plan or out of the fees payable to the county or city under section 107 of *The Registry Act*, as the inspector may direct.

(6) For abstracts prepared for the purposes of plans hereafter registered the registrar shall be entitled to receive from the

the persons registering such plans the usual fees for preparing such abstracts; such fees to be paid in addition to the fees for registering such plans.

2. No instrument referring to an unregistered plan shall be registered unless where an instrument referring to such plan has been already registered in respect of the same land; and in case the registrar objects to register any instrument on account of its referring to an unregistered plan, he shall be justified in doing so until and unless the person desiring registration of the instrument refers the registrar to the number of an instrument previously registered in respect of the same land referring to the said unregistered plan.

Registration of instruments referring to an unregistered plan.

3.—(1) After an instrument has been entered in the abstract and alphabetical books, and has been copied in the registry book, no entry shall be made in the abstract index or in the alphabetical index respecting such instrument, except in the manner hereinafter provided; nor, except in such manner, shall any alteration or correction be made in any entry previously made respecting any instrument, or in any copy of any instrument in any registry book.

Entries in index and corrections

(2) The registrar or his deputy shall as promptly as possible after becoming aware of any omission or error in copying, cause the entries, alterations or corrections which are requisite, to be made in red ink; and a memorandum stating the date of such entry, alteration or correction shall be made in red ink in the margin of the index or registry book opposite or near thereto; and such memorandum shall be signed by the registrar or his deputy.

4. *The Registry Act* is amended by inserting the following words after the word “delivered” in the eighth line of sub-section 2 of section 28, “or which though affecting one locality are entered in a registry book that is not delivered over;” and by adding the following to said sub-section:—“Instruments received by the registrar of one county or registry division from the registrar of another after the year 1886, shall be copied by the registrar by whom they were or are received.”

Rev. Stat. c. 114, s. 28, sub-s. 2 amended.

5.—(1) Section 31 of the said Act is amended by adding the following words thereto:—“And (subject to any direction of the Lieutenant-Governor in Council in this behalf) he shall in like manner have power to order as many counterparts or copies of any abstract index book to be made as he shall deem necessary for the public convenience; also to order new plans and surveys to be made of any locality or territory in any registry division which in his judgment have become necessary and to order new abstract indexes to be made where the indexes in use have become complicated or otherwise inconvenient.”

Rev. Stat. c. 114, s. 31 amended.

Rev. Stat.  
c. 114, s. 32  
amended.

(2) Section 32 of the said Act is amended by adding the following words after the word "therein" in the fifteenth line: "and a sufficient description of the land therein mentioned as to readily identify its location."

Rev. Stat.  
c. 114, s. 57  
amended.

(3) Section 57 of the said Act is amended by striking out the words "one of" in the first line and inserting in lieu thereof the words "an instrument in," and striking out the word "the" in the fourth line, and inserting in lieu thereof the word "any."

Rev. Stat.  
c. 114, s. 60  
amended.

(4) Section 60 of the said Act is amended by inserting the following words after the word "execution" in the fourth line, "make an entry thereof in the abstract and alphabetical index books, and"

Rev. Stat. c.  
114, s. 64,  
amended.

(5) Where a will is registered by the production of the original will, the affidavit of the subscribing witness or some other person must state that the testator is dead, either to the knowledge of the deponent, or as he has been informed and believes.

Verification  
of signature  
to plans.

6. The signature on a map or plan for the purposes of sub-section 2 of section 84 of the said Act shall be witnessed and verified as other instruments are under the said Act.

Conditions as  
to registration  
of plans.

7. The registrar shall not accept any map or plan for the purposes of the said Act which does not comply with the provisions of the said Act and this Act; and shall not accept any plan on which a road less than sixty-six feet wide is laid out, unless the assent of the proper municipal council is registered therewith, where such assent is by law necessary.

Registry divi-  
sions in  
Toronto.

8. There shall be separate registry divisions for the city of Toronto, to be called respectively, East and West Toronto.

East Toronto shall consist of all that part of the said city lying east of Spadina Avenue and Spadina Road, continued south and north, to the boundaries of the city, and shall include the land on Spadina Avenue now occupied by Knox College, and the Island lying south of the city of Toronto.

West Toronto shall consist of all that part of the said city lying west of Spadina Avenue and Spadina Road, continued as aforesaid to the boundaries of the city.

Registry office  
in Toronto.

9. The registry building now on Richmond Street West in the city of Toronto, shall be and continue to be the offices of the registry divisions of East and West Toronto. The present registrar of the city of Toronto shall, during pleasure and without new appointment, be registrar for the registry division of West Toronto.

10. The council of the city of Toronto shall, by additions thereto to be approved by the Lieutenant-Governor in Council, provide in or in connection with the present registry building sufficient safe and proper fire-proof offices and vaults for the registry offices for both divisions of East and West Toronto, and for the office of land titles for the said city, and shall furnish the same in accordance with the provisions of *The Registry Act* and *Land Titles' Act* respectively.

Construction of offices under Rev. Stat. c. 114 and 116.

11.—(1) The present registrar of the city of Toronto shall deliver to the registrar of the registry division of East Toronto the registry books, and all books of indexes, which have been kept exclusively for such part of the city of Toronto hereby set apart as the registry division of East Toronto, and likewise all original memorials, all original duplicates, and all deeds, conveyances and wills, and all other instruments, and all maps or plans lodged according to law in his office, and relating exclusively to lands within the said division.

Delivery of registry books, etc., to registrar of East Toronto.

(2) All other abstracts, index books and registry books original memorials and original duplicates, and all deeds, conveyances and wills, and all other instruments and maps or plans, affecting lands in both registry divisions, shall remain and continue with the registrar of the registry division of West Toronto.

(3) All wills and instruments in which there is a general devise, conveyance or power affecting lands in the city of Toronto without local description, shall be registered in the registry division of West Toronto.

(4) The registrar of the registry division of West Toronto is hereby authorised and empowered to certify to all abstracts of title and copies of instruments from such books retained in his office, and affecting lands in the registry division of East Toronto, and he is to permit searches to be made therefrom, whenever required so to do, upon being paid the ordinary fees.

(5) The present senior deputy registrar shall be the abstract clerk for the two divisions, during the pleasure of the Lieutenant-Governor, and shall perform such other duties as the Lieutenant-Governor may direct. His salary shall be paid by the two registrars, one-half each, or in such other proportions as the Lieutenant-Governor may from time to time direct.

(6) The Master of Titles is to be at liberty to inspect, by himself or his clerks, all books and papers in the said offices for his own information as such Master, without payment of fees, subject to any general rules to be made under the authority of *The Land Titles' Act*.

12. *The Registry Act* shall apply to the registry divisions by this Act established, except in so far as the same is varied by or inconsistent with this Act.

Rev. Stat. c. 114 to apply to registry divisions of Toronto.

13.

Commence-  
ment of sec. 8.

**13.** The said separation shall not go into force until the appointment of the registrar for the registry division of East Toronto has been made, and such registrar of East Toronto has taken the requisite oath of office, and the Lieutenant-Governor has issued his proclamation naming a day for said separation going into effect, except so far as this Act authorises the Lieutenant-Governor to make the appointment; and except so far as is requisite to permit and authorise the doing of any act necessary or proper to be done before the registrar assumes the duties of his office.

## CHAPTER 20.

### An Act regulating certain matters under the Land Titles Act.

[Assented to 23rd March, 1889.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Entry of  
personal re-  
presentative  
as owner.

**1.** Where two or more persons have been entered under *The Land Titles Act* as owners of any land or charge, and any of them dies, his personal representative may apply to be entered as owner jointly with the survivor or survivors.

Rev. Stat. c.  
116, s. 85,  
amended.

**2.** Sub-section 2 of section 85 of the said Act, from the beginning to the word "charge" in the second line, is repealed and the following substituted: "No person shall be registered as owner of any undivided share in any land or charge apart from the other share or shares. The share of each owner may be stated, and where the extent of his interest appears in the register, or by the statement of his co-owners he may transfer or charge his share." Any registration heretofore made which might be made under this section shall be deemed valid.

Charges and  
transfers may  
be made  
without seal.

**3.** Notwithstanding the provisions of any statute, or any rule of law, any charge or transfer of land registered under *The Land Titles Act* may be duly made under a charge or transfer without seal. This section shall take effect from the 31st day of December, 1887.

Registration  
by transferee  
of patentee.

**4.** Where a patent for land is forwarded to a Local Master under section 141 of the said Act, and it is made to appear to the said Master that the patentee since the date of the patent has transferred the land to some other person, the transferee,  
or

or in case of a further transfer or transfers the ultimate transferee of the land, shall be entered as the first registered owner, and shall be described as transferee of the patentee or otherwise according to the fact.

5. All lands registered under the said Act shall be subject to the provisions of the *Revised Statute respecting Mills and Mill Dams*, and of the *Revised Statute for protecting the public interest in Rivers, Streams and Creeks*, without the fact of such lands being so subject being expressed in the entry in the register or in the certificate of ownership.

Registration to be subject to Rev. Stat. cc. 118, 120.

6. Every person who under *The Land Titles Act* deposits with the Master or Local Master a plan of any sub-division of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or division, shall also, within three months from the day the plan is so deposited, lodge with the treasurer of the municipality in which the land is situate, a duplicate or copy of such plan; and in case of any neglect or refusal so to do within two months after notice in writing, given by the treasurer requiring such person to lodge such plan or map he shall incur a penalty of \$20 for every month during which the default continues.

Plans to be deposited with municipal treasurer.

7. In no case shall any plan or survey, although filed and registered in an office of Land Titles, be binding on the person so filing or registering the same, or upon any other person, unless some sale has been made according to such plan or survey; and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same or his assigns, by the High Court; or by a Judge of the said Court; or, where the lands are not in the county of York or city of Toronto, by the Judge of the County or District Court of the county or district in which the lands lie, and where the lands are in the county of York or city of Toronto by the Master of Titles; if, on application for the purpose duly made, and upon hearing all parties concerned, it is thought just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed just and expedient. An appeal shall lie from any such order to the Court of Appeal.

Amendment of plans.

8. Where all the lots on any plan of sub-division filed in a registry office are registered under *The Land Titles Act*, the Master or Local Master may require the registrar to deliver the plan to such Master to be filed in his office; and the registrar shall thereupon deliver the same, taking a receipt therefor.

Transfer of plans from registry offices.

9. When the percentage payable into the Assurance Fund in respect to any land does not amount to \$1, the amount payable shall be \$1.

Fee to Assurance Fund.

Notice to registrar of patents of land coming under sec. 141.

**10.** Whenever the Provincial Secretary notifies to the registrar of a registry division the issue of a patent of land coming within section 141 of *The Land Titles Act*, the registrar shall in the abstract index enter the fact that the land is subject to the said Act, and shall not thereafter receive for registration any instrument affecting the land.

Right to compel production of certificate of ownership.

**11.** Any person who is entitled to have a transfer or charge entered in the register, shall have the right to require the holder of the certificate of ownership if any is outstanding, to produce the certificate to the Master of Titles, or to deliver it to such person for production for the purpose of having all proper entries or alterations made thereon by the Master, or for cancellation when the certificate has become effete. A person entitled to have a cessation of a charge entered shall have the right to have an outstanding certificate of the ownership of the said charge produced in manner aforesaid in order that the said certificate may be cancelled.

Master may require production of certificate of ownership.

**12.** Where upon an application for the registration of a charge or of a transfer of any land or charge, the Master considers it expedient to require the production of the certificate of ownership, either for the purpose of identifying the person dealing with the land or charge or for cancellation when the same ought to be cancelled or for any other purpose, he may do so and may decline to enter the charge or transfer in the register until the certificate has been produced. If the certificate is not produced within such time as the Master limits he may return the transfer or charge.

Effect of registration as owner of a patentee.

**13.** The first registration as owner of a patentee, under sections 141 to 143 of the said Act, or the first registration, under the said sections, of any person to whom the interest of the patentee has been transferred, shall not defeat any right or interest which any person who has not received the notice required by the said 141st section may, at the time of such first registration, be entitled to claim in the land; but nothing herein contained shall affect the title of a subsequent transferee or chargee.

Rev. Stat. c. 116, s. 141 amended.

**14.** Section 141 of the said Act is amended by adding the following sub-sections thereto:—

(4) Where the local master to whom a patent is forwarded is aware that an instrument which is registered cannot affect the interest of the patentee, he need not give any notice on account of such instrument.

(5) Unless a caution is filed with the Master, under section 68 of this Act, no such notice need be given in respect of the sale of timber or trees when the sale is subject to a condition that the timber or trees shall be removed within a specified time, and such time has expired.

## CHAPTER 21.

## An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following is added as sub-section 6 of section 3 of *The Act respecting Assignments and Preferences by Insolvent Persons*: Rev. Stat. c. 124, s. 3, amended.

(6) No person other than a permanent and *bona-fide* resident of this Province shall have power to act as assignee under an assignment within the provisions of this Act, nor shall any such assignee have power to appoint a deputy or to delegate his duties as assignee to any person who is not a permanent and *bona-fide* resident of this Province; and no charge shall be made or recoverable against the assignor or his estate for any services or other expenses of any such assignee, deputy or delegate of any assignee who is not a permanent and *bona-fide* resident of this Province as aforesaid.

2. The property and assets of any such estate shall not be removed out of the Province without the order of the County Court Judge of the county in which the assignment is registered, and the proceeds of the sale and all moneys received on account of any estate shall be deposited by the assignee in one of the incorporated banks within this Province, and shall not be withdrawn or removed without the order of such County Court Judge, except in payment of dividends and other charges incidental to the winding up of the estate, and any assignee or other person acting in his stead or on his behalf violating the provisions of this section shall be liable to a penalty of \$500, which may be recovered summarily before a Judge of the High Court or of the County Court of the county in which the assignment is by the said Act required to be registered; and one-half of the said penalty shall go to the person suing therefor, and the other half shall belong to the estate of the assignor; but in default of payment of the said penalty and all costs which may be incurred in any action or proceeding for the recovery thereof such assignee or other person may be imprisoned for any period not exceeding thirty days, and shall be disqualified from acting as assignee of any estate while such default continues. Mode of dealing with property.

3. This Act does not apply to any assignments heretofore executed or any proceedings thereunder. Application of Act.

## CHAPTER 22.

An Act for the Enforcement of Orders under the  
Act respecting Master and Servant.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Proceedings  
for enforcing  
order for pay-  
ment of wages.

1. Where proceedings under *The Act respecting Master and Servant* are taken before a Police Magistrate, and payment of wages is ordered by him to be made by the master or employer to the servant or labourer, and the same are not paid within the time limited by the order, the same proceedings may be taken by the person claiming the benefit of the order as may be taken by a party having an unsatisfied judgment or order in a Division Court for the payment of any debt, damages, or costs, as respects the examination of the judgment debtor touching his estate and effects, the means he has of discharging his liability, and the disposal he has made of any property, and the Police Magistrate shall have the like power and authority to enforce payment of the debt as are possessed by the Division Court Judge in like cases; and the practice and proceedings thereon shall be the same as nearly as may be and have the same effect as provided in *The Division Courts Act* with respect to judgment debtors.

Rev. Stat., c.  
51, ss. 235-247.

Limit of time  
for payment.

2. The said Police Magistrate, if he thinks fit, may name in the order for payment of wages, such time not exceeding 21 days, as to him may seem just and reasonable for the payment of the same and costs; and in case of non-payment within such time the complainant shall be entitled to take forthwith the proceedings for enforcing payment provided by *The Act respecting Master and Servant* and this Act.

Rev. Stat.,  
c. 139.

## CHAPTER 23.

## An Act to amend the Workmen's Compensation for Injuries Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Workmen's Compensation for Injuries Amendment Act, 1889.*" Short title.

2.—(1) In this Act the expression "principal Act" shall mean *The Workmen's Compensation for Injuries Act.* Interpretation.  
Rev. Stat. c.  
141.

(2) So much of section 2 of the principal Act as declares the meaning of the expression "person who has superintendence entrusted to him" is hereby repealed.

(3) In the principal Act the expression "superintendence" shall, unless a contrary intention appears, be construed as meaning such general superintendence over workmen as is exercised by a foreman, or person in a like position to a foreman, whether the person exercising superintendence is or is not ordinarily engaged in manual labour.

(4) In the principal Act, and this Act, the expression "employer" shall, unless a contrary intention appears, include a body of persons corporate or unincorporate, and also the legal personal representatives of a deceased employer, and the person liable to pay compensation under section 6 of this Act.

(5) In this Act the expression "workman" shall have the meaning given thereto by the principal Act.

(6) In the principal Act, as amended by this Act, the expression "railway servant" shall mean and include a railway servant, tramway servant and street railway servant.

3. Section 3 of the principal Act is hereby amended by omitting therefrom the words "any defect in the condition of the ways, works, machinery or plant connected with or used in the business of the employer," and inserting instead thereof the words "any defect in the condition or arrangement of the ways, works, machinery, plant, buildings or premises connected with, intended for, or used in the business of the employer." Rev. Stat. c.  
141, s. 3,  
amended.

4. Section 3 of the principal Act is hereby further amended by inserting after the words "instructions given" the words "by the employer or". Rev. Stat. c.  
141, s. 3,  
amended.

Rev. Stat. c.  
141, s. 3,  
amended.

5. Section 3 of the principal Act is hereby further amended by omitting therefrom the words "any signal-points, locomotive, engine, or train upon a railway," and inserting instead thereof the words "any points, signal, locomotive, engine, machine, or train upon a railway, tramway or street railway."

Employer,  
who to be  
deemed.

6.—(1) Where the execution of any work is being carried into effect under any contract, and

(a) The person for whom the work, or any part thereof, is done, owns or supplies any ways, works, machinery, plant, buildings, or premises used for the purpose of executing the work; and

(b) By reason of any defect in the condition or arrangement of such ways, works, machinery, plant, buildings or premises, personal injury is caused to any workman employed by the contractor or by any sub-contractor; and

(c) The defect or the failure to discover or remedy the defect arose from the negligence of the person for whom the work or any part thereof is done, or of some person being in his service and entrusted by him with the duty of seeing that such condition or arrangement is proper,

the person for whom the work, or that part of the work is done shall be liable to pay compensation for the injury as if the workman had been employed by him, and for that purpose shall be deemed to be the employer of the workman within the meaning of this Act and of the principal Act: Provided, always, that any such contractor or sub-contractor shall be liable to pay compensation for the injury as if this section had not been enacted, so however that double compensation shall not be recoverable for the same injury.

(2) Nothing in this section contained shall affect any rights or liabilities of the person for whom the work is done and the contractor and sub-contractor (if any) as between themselves.

Knowledge of  
defect, effect  
of.

7. In an action against an employer under the principal Act or this Act, a workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act, or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury.

Rev. Stat., c.  
141, s. 5,  
amended.

8. Section 5 of the principal Act is hereby amended by omitting therefrom the words "person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition," and inserting instead thereof the words "person entrusted

trusted by him with the duty of seeing that the condition or arrangement of the ways, works, machinery, plant, building or premises are proper."

9. Section 5 of the principal Act is hereby further amended by omitting therefrom the words "and failed within a reasonable time to give or cause to be given," and inserting instead thereof the words "and failed without reasonable excuse to give or cause to be given within a reasonable time." Rev. Stat., c. 141, s. 5, amended.

10. Section 6 of the principal Act is hereby amended by inserting therein after the word "exceed" the word "either;" and also by inserting therein after the word "Province" the words "or the sum of fifteen hundred dollars, whichever is larger." Rev. Stat. c. 141, s. 6, amended.

11. Section 7 of the principal Act is hereby amended by adding after the word "maintainable" in said section the words "against the employer of the workman." Rev. Stat., c. 141, s. 7, amended.

12. Sub-section 5 of section 10 of the principal Act is hereby repealed, and the following sub-section substituted therefor: Rev. Stat. c. 141, s. 10, sub-s. 5, repealed.

(5) The want or insufficiency of the notice required by this section, or by section 7 of this Act, shall not be a bar to the maintenance of an action for the recovery of compensation for the injury if the Court or Judge before whom such action is tried, or, in case of appeal, if the Court hearing the appeal, is of opinion that there was reasonable excuse for the want or insufficiency, and that the defendant has not been thereby prejudiced in his defence.

13. If the defendant in any action against an employer for compensation for an injury sustained by a workman in the course of his employment intends to rely for a defence on the want of notice or the insufficiency of notice, or on the ground that he was not the employer of the workman injured, he shall, not less than seven days before the hearing of the action, or such other time as may be fixed by the rules regulating the practice of the Court in which the action is brought, give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an adjournment of the case for the purpose of enabling such notice to be given; and, subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with sections 7 and 10 of the principal Act as amended by this Act. Defence of want of notice.

Distribution  
of compensa-  
tion.

14. When in any action under this Act or the principal Act as amended by this Act, compensation is awarded in the case of the death of a workman for an injury sustained by him in the course of his employment, the amount recovered, after deducting the costs not recovered from the defendant may, if the Court or Judge before whom the action is tried so directs, be divided between the wife, husband, parent, and child of the deceased in such shares as the Court or Judge, with or without assessors, as the case may be, or, if the action is tried by a jury as the jury may determine.

Liability of  
personal repre-  
sentative.

15. Notwithstanding anything contained in this Act or the principal Act, an action under sections 3 and 4 of the principal Act, or section 6 of this Act, shall lie against the legal personal representatives of a deceased employer.

Rev. Stat. c.  
141 and this  
Act to be read  
as one Act.

16. This Act and the principal Act as amended by this Act shall be read and construed as one Act; but nothing in this Act contained shall prejudice anything heretofore done or suffered, or any right heretofore acquired or accrued, under or in pursuance of the principal Act; and any legal proceeding in respect of any such right shall be instituted, and any action, suit or proceeding begun under or in pursuance of said principal Act shall be continued and completed, and carried into effect as if this Act had not been passed: Provided, however, that the principal Act as amended by sections 4, 5, 7, 9, 11 and 12 of this Act together with sections 13 and 14 of this Act shall, in all matters and for all purposes, be held as applying to and governing any action, suit or proceeding hereafter begun, instituted or taken in respect of any such right.

## CHAPTER 24.

An Act to amend the Act respecting the Study of Anatomy.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.  
149, s. 1  
amended.

1.—(1) Section 1 of *The Act respecting the Study of Anatomy*, is amended by inserting after the word "morgue" in the third line of the said section the words, "On whose body a Coroner after having viewed it, shall deem an inquest unnecessary;" and also by inserting after the words "shall be" in the fourth line of the said section, the words "immediately

"immediately placed under the control of the inspector of anatomy for that locality, and shall be by him;" and also by inserting the words "twenty-four," instead of the words "forty-eight," in the sixth line of the said section;" and also by striking out the words "shall pay" where the same occur in said section, and inserting instead thereof the words following:—" Shall obtain from a Police Magistrate having jurisdiction in the locality, an order authorizing the delivery of such body to such person, and shall produce said order to said authorities, and shall also pay."

(2) Section 1 of the said Act is further amended by adding thereto the following sub-section:—(2) Such order may be obtained from any such Police Magistrate upon an *ex parte* application therefor, and may be in the form or to the effect following:—

*The Ontario Anatomy Acts.*

To all whom it may concern :

Whereas, *A. B.*, of (*here state the name, residence, and occupation of the person to whom and on whose behalf the order is applied for*) has satisfied me that he is a *bona fide* friend of *C. D.*, now lately deceased, and should be permitted to have delivered to him the body of the said deceased for the purpose of interring the same.

I hereby authorize and order every person and authority having the present custody or control of the body of the said deceased, to forthwith, upon presentation of this order, deliver the said body of the said deceased to the said *A. B.*, in order that the same may receive proper burial.

Witness my hand and seal as Police Magistrate of and for the town (*or county as the case may be*) this                      day of                      .

2. Section 2 of the said Act is amended by substituting the word "fourteen" for the word "five" in the third and fifth lines of the said section. Rev. Stat. c. 149, s. 2 amended.

3. Sub-section 1 of section 5 of the said Act is repealed and the following substituted in lieu thereof : Rev. Stat. c. 149, s. 5, sub-s. 1, repealed.

1. To keep a register of the name, age, sex, birthplace and religious denomination, if any, of each unclaimed body received by him and the name of the Medical School or Medical College to which delivered with date of delivery, and to deliver up all such bodies as are referred to in section 1 of this Act as amended.

4. Section 5 of the said Act is amended by adding thereto the following sub-sections:—" 6. Every inspector of anatomy when appointed in any locality, shall, without delay, give notice of his appointment to all persons defined in sections 7, 8, 9, and 10, of this Act." "7. To enter in the morgue register such a description of every body received by him, and of the clothing or other effects found thereon as would enable relatives or friends to identify the same, and also the name of the Medical College to which such body was transferred." Rev. Stat. c. 149, s. 5, amended.

Rev. Stat. c.  
149, s. 9  
amended.

5. Section 9 of the said Act is amended by adding after the words "or town" in the first line of the said section, the words "or the reeve of any municipality;" also by adding after the words "to be given" in the second line of the said section, the words "within twenty-four hours."

Rev. Stat. c.  
149, s. 10  
amended.

6. Section 10 of the said Act is amended by striking out after the word "body" in the fourth line of the said section, the word "immediately;" also by inserting after the words "give notice" in the fourth line of the said section, the words "within twenty-four hours."

Rev. Stat. c.  
149 and this  
Act to be read  
as one Act.

7. The said Act and this Act shall be read and construed as one Act, and may be cited and known as "*The Ontario Anatomy Acts.*"

## CHAPTER 25.

### An Act to amend the Pharmacy Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
151, s. 4,  
amended.

1. Section 4 of *The Pharmacy Act*, is amended by adding thereto the following sub-sections:—

(2) The said thirteen members shall be selected from among those members of the College who are actively engaged on their own account, and as proprietors, in the occupation of Pharmaceutical Chemists, whether carrying on business as retail, wholesale or manufacturing chemists, and who reside within the Province of Ontario.

(3) The council may, at any time hereafter, pass a by-law dividing the Province into thirteen Electoral Territorial Divisions for the purposes of this Act; the by-law shall require the assent of the Lieutenant-Governor, and notice thereof in the *Ontario Gazette* for three months. After the expiration of the three months, all general elections of the members of the council shall be held so that each member shall be a resident of, and shall be elected by, the duly qualified members of the College resident in the Territorial Division. The manner of holding such an election shall, with respect to the time thereof, and the taking of the votes therefor, and the giving of a casting vote in case of equality of votes, be determined by a by-law

by-law to be passed by the council, and in default of such by-law, the Lieutenant-Governor may prescribe the time and manner of holding such election.

(4) The council shall have power to rearrange the geographical boundaries of the Electoral Territorial Divisions every ten years by a by-law, assented to by the Lieutenant-Governor.

2. Section 5 of the said Act is amended by adding at the end thereof the following words, "and after the provisions of section 4 relating to the Electoral Territorial Divisions come into operation, such vacancy shall be filled from among members of the College" resident in the Territorial Division represented by the member whose seat has become vacant." Rev. Stat. c. 151, s. 5, amended.

3. Section 6 of the said Act is amended by adding at the end thereof the following words, "and are liable to pay the annual fee of \$4 under this Act." Rev. Stat. c. 151, s. 6, amended.

4. Section 8 of the said Act is amended by striking out the word "Wednesday" wherever it occurs in the said section, and by inserting in place thereof the word "Tuesday." Rev. Stat. c. 151, s. 8, amended.

5. Section 9 of the said Act is amended by inserting after the word "College" in the tenth line thereof, the words "and for defining the duties of such examiners and officers." Rev. Stat. c. 151, s. 9, amended.

6.—(1) Section 11 of the said Act is amended by striking out the word "three" in the last line of sub-section (a), and by inserting in place thereof the word "four;" and by adding to the end of the sub-section the following: "and who has attended two courses of lectures, the first in any College of Pharmacy or School of Medicine approved by the council, and the second or senior course at the Ontario College of Pharmacy, (such courses to comprise the following subjects, namely, pharmacy, chemistry, materia medica, botany, and reading and dispensing prescriptions), and who shall have attained the age of twenty-one years. The council shall have power to fix and determine from time to time a curriculum of studies to be pursued by the students." Rev. Stat. c. 151, s. 11, amended.

(2) This section shall not apply to students who were registered as apprentices prior to the passing of this Act.

(3) The period occupied in attending the first of the said two courses of lectures may be counted as part of the term of apprenticeship.

7. Section 12 of the said Act is amended by striking out all the words therein after the word "examination" in the sixth line thereof and by inserting after the word "examination" the following words: "in the following subjects:

"Arithmetic

"Arithmetic and Mensuration—Reduction ; simple and compound proportion ; vulgar and decimal fractions ; square root ; areas of rectilineal figures ; volumes of right parallelepipeds.

"Algebra—Elementary rules ; greatest common measure ; least common multiple ; fractions ; simple equations of one unknown quantity.

"Political, physical and mathematical geography.

"English grammar and composition."

This section does not apply to matriculants in arts or medicine in any British or Colonial University or College, or to holders of second or third class non-professional certificates issued by the Education Department of Ontario ; or to persons who produce evidence of having passed an examination at least equal to that for the latter ; or to persons who have already commenced their apprenticeships, provided that application from such apprentices be made not later than twelve months from the passing of this Act.

Rev. Stat. c.  
151, s. 22,  
amended.

8. Section 22 of the said Act is amended by striking out the words "in default thereof" where they occur in the fourth line of the said section, and by inserting in lieu thereof the following words, "his name shall be erased from the register of Pharmaceutical Chemists and he shall cease to enjoy any of the privileges of the College, and in default of such notice."

Rev. Stat. c.  
151, s. 29,  
amended.

9. Section 29 of the said Act is amended by inserting after the word "Act" in the fifth line thereof the following words: "and to give evidence sufficient *prima facie* to prove that no unregistered person who personally takes any part whatever in selling or dispensing drugs or medicines is interested with him in his sales as chemist and druggist," but nothing in this section or section 29 of the said Act as amended hereby shall be construed as in any way amending or qualifying section 32 of the said Act.

Rev. Stat. c.  
151, s. 31, sub-  
s. 1, amended.

10.—(1) Sub-section 1 of section 31 of the said Act is amended by striking out all the words between the word "by" in the third line, and the word "nor" in the sixth line, and by inserting in place thereof the following: "*The Ontario Medical Act*, provided that where such medical practitioner desires to carry on the business of a Pharmaceutical Chemist as defined by this Act, he shall not be required to pass the examination prescribed by the College of Pharmacy, but he shall register as a Pharmaceutical Chemist, and comply with all other requirements of this Act."

(2) Sub-section 2 of the said section 31 is repealed.

Rev. Stat. c.  
151, s. 31, sub-  
s. 2, repealed.

11. Part I. of Schedule A of the said Act is hereby amended by adding thereto the following words: "Carbolic Acid," "Chloral Hydrate," "Cocaine and its preparations." And  
part

part II. of the said Schedule A is hereby amended by striking out the words "Chloral Hydrate" and "Carbolic Acid" where they occur in the second part of the said Schedule. Schedule A amended.

12. The said Act is further amended by adding thereto the following section: Establishment of Territorial Division Pharmaceutical Associations.

"34. In each of the Territorial Electoral Divisions described in a by-law hereafter duly passed by the council under this Act and the amendments thereto, there may be established a Territorial Division Pharmaceutical Association which may be called 'Division Association' of such division, of which every member of the College residing in such division shall be a member, and the representative in the council shall be *ex-officio* chairman of such Division Association."

13. Schedule "D" referred to in section 17 of the said Act, is hereby struck out and the following substituted therefor:— Schedule D repealed.

"I hereby certify that C. D. having complied with the requirements of *The Pharmacy Act* was on the            day of           , A.D. 18   , duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario from the            day of           , 18   , to the            day of           , 18   .

(Sgd.) R. F.,

*Registrar of the Ontario College of Pharmacy.*

[Corporate Seal.]

## CHAPTER 26.

### An Act respecting the limited liability of Incorporated Companies.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act applies to companies incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, subsequently to the passing of this Act, and shall also be deemed to be incorporated with and added to *The Ontario Joint Stock Companies' General Clauses Act* as regards any company incorporated by any special Act passed after the present Session of this Legislature. Application of Act. Rev. Stat. c. 157. Rev. Stat. c. 156.

2. The directors of every such company shall be jointly and severally liable upon every written contract or undertaking of the company on the face whereof the word "limited" or Directors liable on written contracts which do not the

show limited liability.

the words "limited liability" are not distinctly written or printed after the name of the company where it first occurs in such contract or undertaking.

Word "limited" to be inserted on all notices, etc.

3. The company shall keep painted or affixed its name with the word "limited" after the name, on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible; and shall have its name, with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company.

Penalty for violation of preceding section.

4. Every such company which does not keep painted or affixed its name, with the word "limited" after it, in manner directed by this Act, shall incur a penalty of \$20 for every day during which such name is not so kept painted or affixed.

Penalty for permitting violation.

5. Every director and manager of the company who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty.

Penalty for using or authorizing use of seal without word "limited" on it.

6. Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company, whereon its name, with the said word "limited" after it, is not so engraved as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, shall incur a penalty of \$200 and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof unless the same is duly paid by the company.

## CHAPTER 27.

## An Act to amend the General Road Companies Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 157 of *The General Road Companies Act* is amended by adding thereto the words Rev. Stat. c. 159, s. 157, amended. following:—"and also to all toll roads now owned, leased, held or in the possession of any person or persons."

## CHAPTER 28.

## An Act to facilitate the purchase of Toll Roads by Municipalities.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Toll Roads Municipal Expropriation Act.*" Short title.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:— Interpretation.

1. "Owner" or "owners" besides including any person or persons, in whom the legal and equitable estates are vested, shall also include any joint stock company as well as any municipality. "Owner" or "Owners."

2. "Road" or "roads" shall include any parcel of land or franchise respecting or any easement in any land, and also any toll houses or other buildings erected thereon or used therewith. "Road" or "Roads."

3. "Town" shall mean a town separated from the county "Town," for municipal purposes.

3. The council of any county, city or separated town may by by-law appoint three persons, who are not municipal councillors or road owners, who shall constitute a board of commissioners. Board of commissioners.

missioners for the purposes hereinafter mentioned, and may likewise from time to time fill any vacancy that may occur in such board.

Tenure of office.

4. The said commissioners shall respectively hold office during the pleasure of the council.

Selection of roads.

5. The board of commissioners shall examine the toll roads held or owned by any person, company or minor municipality within the county, city or town for which they are appointed (and such road or roads shall always be held to terminate at the boundary of any such city, town or county) and for that purpose shall have power to travel over, measure, dig into and otherwise examine, such roads as they may deem necessary for the use of the city, town or county.

Examination of books and records.

6. The said board of commissioners shall also have power to examine all books and records connected with the management of any such road or roads and may require any owner or owners to produce the same for the purpose of being examined, and shall also have power to examine any person or persons under oath relative to the value, cost, income or expenditure, or net profit of any such road or roads, and in case any person shall refuse to testify or refuse to produce such books or records, he or they shall be punished for contempt of court in the manner provided for such cases in the courts of law.

Maps to be laid before council.

7. The commissioners shall cause to be made a map or maps of the road or roads or such as they may think necessary; and the same shall be certified by a majority of the said commissioners and laid before the county, city or town council for their consideration.

Maps to be registered if selection approved.

8. In case the council of any such city, town or county approves of the road or roads, copies of the map or maps shall be filed in the office of the county or city registrar for such county or city.

Value to be ascertained.

9. The commissioners shall thereupon proceed as valuers to place a value upon the road or roads aforesaid, with a view to the same being purchased under the authority of this Act for the objects and purposes aforesaid.

Mode of ascertaining value.

10. For the purpose of ascertaining and determining the prices to be paid for the said road or roads the commissioners may agree with the respective owners as to the prices and terms of payment, subject to the provisions of this Act and to the approval of the council of the city, town or county; if the commissioners and owners are unable to agree the prices to be paid shall be determined by the Provincial Arbitrators in the manner provided for by *The Act respecting the Public Works of Ontario* and all the

the provisions of the said Act in regard to the mode of determining the compensation to be paid for lands or other property or rights to be acquired by the Commissioner of Public Works shall apply as nearly as may be in determining the compensation to be paid for roads or rights to be acquired for the purposes of this Act, but in lieu of making any tender the commissioners may name a price which they are willing to fix as the price to be paid, and notice thereof to the owners shall stand in lieu of a tender. The compensation agreed to or awarded as aforesaid shall be the price to be paid for the roads or rights described in the agreement or award, in case the same are taken under this Act, or by the authority of the council of such county, city or town within one year after such valuation or award has been made or after such price has been agreed upon.

**11.** Where a minor municipality is the owner in whole or in part of a toll road wholly or partly within its own limits which is to be acquired or made a free road under the provisions of this Act, the commissioners in arranging with such municipality and determining the amount to be paid thereto in respect of such road or portion thereof situate within its own limits, or the arbitrators as the case may be, may have regard to any particular or special benefit or advantage to such municipality or the inhabitants thereof by reason of such road or that portion thereof lying within the limits of such municipality being made or becoming a free road.

Matters to be considered by commissioners or arbitrators in determining value of roads belonging to minor municipalities.

**12.** After the proceedings hereinbefore provided for determining the value of the road or roads have been completed, the said commissioners shall report to the council of such county, city or town their proceedings therein with a statement of the road or roads proposed to be taken and the value thereof as determined by arbitration or agreement.

Report of commissioners.

**13.** If the person or company conveying roads selected under this Act could not without this Act have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money, or any part thereof, is payable refuses to execute the proper conveyance or other requisite instrument of transfer of the roads, or if the person entitled to claim the compensation cannot be found, or is unknown, or if there is reason to fear any claim or incumbrance the compensation money agreed upon or awarded may be paid into the High Court of Justice and a copy of the conveyance or of the agreement or award, if there be no conveyance, verified by affidavit, shall be delivered to the accountant or other proper officer of the Court.

Payment of compensation into court.

**14.** The compensation money for any roads acquired or taken under this Act without the consent of the proprietor or proprietors, shall stand in the stead of such roads, and any claim

Compensation to stand in place of the land.

claim to or incumbrance upon such roads shall be converted into a claim to the compensation money or to a proportionate amount thereof and shall be unavailing as respects the roads themselves.

When possession may be taken.

**15.** Possession shall not be taken of any part of any road within the limits of any city, town or county valued as aforesaid until the amount agreed on or awarded for the same shall have been paid to the company or owner or owners, or to the persons appearing to be entitled to receive it, or paid into Court under the provisions of this Act.

Notice to incumbrancers.

**16.** Where a road is selected and taken under this Act and is subject to a mortgage or other incumbrance, secured or not, it shall not be necessary to notify the mortgagee or other incumbrancers of any proceedings taken to determine the value of the road—unless the commissioners intend to urge a price to be named which would be insufficient to pay off the incumbrance.

Costs where road not taken.

**17.** If the road is not taken and paid for within one year as aforesaid the owner or owners shall be entitled to receive the costs to which he or they have been put in any proceedings taken for determining by arbitration the value of his or their road; the amount of such costs shall be stated in the award of the arbitrators, whether the arbitrators direct that the party or parties shall be entitled to such costs in the event of the road being purchased, or direct otherwise.

Costs to be in discretion of arbitrators.

**18.** Subject to the provisions of the preceding section the arbitrators shall have full authority to determine by and to whom any costs incurred in connection with any arbitration shall be paid, but any costs which should be paid by an owner or owners to the commissioners shall be directed by the award to be paid to the treasurer of such county, town or city; the award as to costs shall not take effect until the road is purchased, and if any such costs are directed to be paid to the said treasurer by any owner or owners the same shall be deducted from the price of the road.

Certain sections of Rev. Stat. c. 33 incorporated.

**19.** For greater certainty it is hereby declared that the following sections of *The Act respecting the Public Works of Ontario* shall as nearly as may be, and unless where inconsistent with this Act, apply to proceedings to acquire the said roads under this Act—that is to say, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 40, 42, 43, 44; and the powers or rights which by the said sections or any of them are vested in the Commissioner of Public Works or the Crown are hereby vested in the said board of commissioners until the said roads are either purchased by such county, city or town or until the expiration of one year as aforesaid after the valuation has been made of, or price agreed upon for the said roads; and in the event of the same being purchased

chased by the county, city or town council thereafter the same powers or rights are hereby vested in the said county, city or town council from time to time subject to the provisions of this Act; and in applying the provisions of the said Act while the commissioners are acting "the Board of Commissioners" shall be substituted for the "Crown" or the "Commissioner" where either of the said words is used in the said Act; and in case of a purchase by the council of such county, city or town where the council of such county, city or town are acting, the purchasers by their corporate or proper names shall be substituted for the said expressions.

20. The award of the arbitrators shall become final and absolute at the expiration of thirty days, from the filing thereof with the clerk of the county council of said county, and notice to the warden and to the clerk of the municipality interested by registered letter or personal delivery unless appealed from, but the Court or a Judge may, under special circumstances, allow an appeal after fourteen days.

When award to become final.

21. The appeal from the award referred to in the next preceding section shall be to the High Court of Justice, and may be heard before and decided by a Judge sitting in Court, and the practice to be observed upon any such appeal shall be the practice now observed in appeals from the Master, and the Judge may, upon the appeal, either amend the said award in any way and to any extent that he may deem proper, or refer the same back to the board of arbitrators for amendment, in whole or in part, with such directions as to law or fact as he may deem proper, or he may confirm the same.

Appeal from award.

22.—(1) After the commissioners shall have reported their proceedings, as provided under section 11 of this Act, the county, city or town council may, in the manner provided for in *The Municipal Act*, pass a by-law for borrowing the amount required to purchase the said roads, in accordance with the said report, by the issue of debentures of the municipality, payable in not more than twenty years, and bearing interest at a rate not exceeding six per cent. per annum, and provide for the payment in each year during the term of such by-law of an amount sufficient to meet the annual payments of principal and interest as the same may fall due.

Power to borrow money for purchase of road.

(2) If the county council deem it expedient they may provide by such by-law for raising any amount required to pay and may pay to any municipality or municipalities which are not materially or only slightly benefited by the purchase of the road or roads, such a sum, by way of bonus, as may be deemed a fair or partial equivalent for the amount which such municipalities will be required to pay towards the said purchase or any part thereof.

(3) Such by-law shall be submitted to the ratepayers of the city, town or county affected by the same.

Alternative  
by-law may be  
adopted.

**23.** In the alternative, where the roads to be purchased or taken are situate in but one or in a small number of the municipalities of the county, or where some of the municipalities are not, in the opinion of the county council, interested in the roads, or in the abolition of the tolls, the commissioners, if required by resolution or by-law of the county council, may, in addition to all other matters hereinbefore mentioned, report whether, in their opinion, the by-law of the county council should be a sectional by-law, and applied to such of the municipalities as, in the opinion of the commissioners, should pay for the roads. In such case the by-law of the council for raising or providing money for the purchase next hereinafter mentioned, may, if the council think proper, name the municipalities which shall be liable to repay to the county the amount paid for the purchase of the roads or abolition of tolls as aforesaid, and may also fix the amount for which each such municipality shall be liable. In adopting a by-law under this section the council may have regard to sub-section 2 of section 22 and may, if they think proper, apply its provisions thereto.

Power to  
borrow  
amount re-  
quired for  
purchase of  
road.

**24.**—(1) The county council may thereafter, under the provisions of *The Municipal Act*, pass a by-law for borrowing the amount required in accordance with the said report, by the issue of debentures of the county, payable in not more than twenty years, and bearing interest at a rate not exceeding six per cent. per annum, and providing for the payment each year during the term of such by-law, by the municipalities interested and in the proportions named in the by-law, an amount sufficient to meet the annual payments of principal and interest as the same may fall due.

(2) Such by-law shall be submitted for the vote of the ratepayers of the said interested municipalities.

Statement to  
be furnished  
to municipa-  
lities by  
county clerk.

**25.** The county clerk shall, on or before the 31st day of December in each year, send to the clerk of each municipality interested, a written statement of the amount to be levied during the ensuing year by such municipality for the purpose of providing the amount necessary to meet the said annual payments of principal and interest, and the council of said municipality shall levy such amount accordingly.

Abandonment  
of roads.

**26.** When a road extends from one county into an adjoining county, and the owner of such road desires to abandon the same, but the municipality or municipalities in which the road is situated refuse to consent to such abandonment, then the terms of abandonment shall be determined by arbitration in the manner provided in section 10 of this Act.

Fees of com-  
missioners.

**27.** The said commissioners shall respectively be entitled to be paid by the corporation of such county, city or town a reasonable amount for their services and expenses. The arbitrators

arbitrators shall be entitled to be paid in accordance with the scale and schedules of fees appended to *The Act respecting Arbitrations and References*, chapter 53 of the Revised Statutes of Ontario, 1887.

28. On the completion of the purchase of the roads by any county, in all municipalities other than cities and towns, and upon the removal of tolls therefrom all tolls shall be removed from the roads owned by any city or town within such county within the limits of such city or town. Upon the removal of the tolls from any road under this Act, the responsibility of thereafter maintaining and keeping the same in repair shall rest upon the local or minor municipalities through which the same pass as in the case of ordinary highways.

Tolls on roads belonging to cities and towns to be abolished on removal of tolls from roads purchased by counties.

29. Where the road lies partly within two municipalities, and that portion only which lies within one of the municipalities is purchased, leaving less than five miles in the adjoining municipality, the said arbitrators may fix a rate of toll that may be taken for such unsold portion, and in determining such rate of toll they shall have and exercise the powers granted to county councils under section 88 of *The General Road Companies' Act*.

Mode of determining tolls on part of road not taken.

30. If the county council deem it expedient, they may provide by the by-law for the purchase of the roads or by any other by-law that the county shall annually, during a term of years to be named in the said by-law, contribute such sum as they may determine for the purpose of assisting in keeping up and maintaining any road or roads.

Allowance by county council for maintenance of roads.

## CHAPTER 29.

### An Act respecting the powers of Electric Light Companies.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any electric light company may lease to, or enter into any contract with, any person or persons or body corporate or politic for the use of any power, engines, wheels or machines run by water, steam, gas or in any other manner erected by such company for the purpose of running or operating electric light

Right to lease power, etc.

light plant, to the end and intent that such machinery and power may be utilized and employed during the hours when the same may not be required for the purpose of furnishing electric light.

Right to contract for use of land.

2. Such company may lease to, or enter into any contract with, any person or persons or body corporate or politic for the use of any land or buildings of such company used for or in connection with such power or machinery aforesaid, so long as the value of such buildings shall not exceed \$10,000.

Powers of expropriation not extended.

3. Nothing in this Act shall be construed to give to any such company any power of expropriation beyond or in addition to the power which the company would have had if this Act had not been passed.

## CHAPTER 30.

An Act to amend the Act respecting Insurance Companies.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 167, s. 106, amended.

1. Section 106 of *The Ontario Insurance Act* is amended by adding thereto the following sub-section:

(2) Notwithstanding anything in this section contained, contracts of fire insurance by any mutual or cash mutual fire insurance company may be for any term not exceeding four years.

## CHAPTER 31.

An Act to amend the Ontario Insurance Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 167, s. 109, amended.

1. Section 109 of *The Ontario Insurance Act* is amended by adding the following proviso, which shall be deemed to be, and to have been, part of the said section:—

“Provided

"Provided that where any company has heretofore taken, in respect of contracts of insurance on foot at the passing hereof, premium notes differing in rate from the rate by this section prescribed, it shall be lawful for the company, as between the respective premium notes so differing in rate, to make and levy such differential assessments as will in risks of the same amount, and of the same class of hazard, equalize the cost of insurance to the makers of the respective premium notes."

2. Section 127 of the said Act is amended, by inserting before the words "the assessment," in the first line of the said section, the following words: "subject to the provisions of section 109." Rev. Stat. c. 167. s. 127, amended.

3. Where, in any Division Court suit or proceeding, a decision is rendered which, in effect or in terms, declares invalid any general assessment made by a mutual insurance company, such decision shall be appealable, notwithstanding the sum in dispute upon the appeal is less than \$100, and all the provisions contained in sections 148 to 153, both inclusive, of *The Division Courts Act*, shall apply to such appeal. Appeals in Division Court actions.

4. If in any action or proceeding upon a contract of fire insurance, the insured, being plaintiff in such action or proceeding, has in the opinion of the Court or Judge, wilfully neglected or unreasonably refused to furnish necessary information respecting the property for which the insurance money is claimed, and if as a consequence of such neglect or refusal, the defendant company has been at expense in obtaining information or evidence, the Court or Judge may, in disposing of costs, take into consideration the expense so incurred by the defendant company. Allowance for costs occasioned by default of plaintiff.

## CHAPTER 32.

### An Act respecting Contracts of Life Insurance.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Insurance Amendment Act, 1889.*" Short title.

2. In this Act the expression "principal Act" shall mean *The Ontario Insurance Act*. Interpretation.

"Company,"  
"contract,"  
"written,"  
"premium."

3. In this Act the words "company," "contract" and "written" shall respectively have the meaning given to them by the principal Act, and the word "premium" shall mean the net annual premium as shewn in the Hm. Table of the Institute of Actuaries of Great Britain the rate of interest being taken at  $4\frac{1}{2}$  per cent. per annum.

Conditions,  
etc., impairing  
or modifying  
contract in-  
valid unless  
set out in full.

4. No term of, or condition, stipulation, warranty or proviso modifying or impairing the effect of any contract of life insurance made after the commencement of this Act by any company transacting business in Ontario shall be good or valid unless such term, condition, stipulation, warranty or proviso is set out in full on the face or back of the instrument forming or evidencing the contract.

Contract not  
to be invali-  
dated by  
erroneous  
statement in  
application,  
unless the  
same is  
material.

5. No contract of life insurance made or renewed after the commencement of this Act shall contain or have endorsed upon it or be made subject to any term, condition, stipulation, warranty or proviso providing that such contract shall be avoided by reason of any statement in the application therefor or inducing the entering into of the contract by the company, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract of life insurance shall be avoided by reason of the inaccuracy of any such statement unless it be material to the contract.

Representa-  
tions as to age.

6.—(1) Where a contract of life insurance or the application therefor contains, or the person entering or proposing to enter into it, makes for the purpose of its being entered into any statement or warranty as to the age of the person in respect of whose life the contract is made, such contract shall not be avoided by reason only of the age being greater than stated or warranted, if it shall appear that such statement or warranty was made in good faith and without any intention to deceive, but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same proportion to the sum which such person would otherwise be entitled to recover as the premium proper to the stated age of such person bears to the premium proper to the actual age of such person, the said stated age and actual age being both taken as at the date of the contract.

(2) If, the error in age includes a fractional part of a year exceeding a half year, such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half-year it shall be wholly disregarded in the computation.

(3) Where, by the terms and for the purpose of the contract, the age of the person in respect of whose age the contract is made is taken to be greater than the actual age of such person

person, the number of years added to such age, shall, for the purposes of the calculation provided for by this section, be added to the true age of such person.

7. Sub-section 1 of section 137 of the principal Act is amended by inserting in the fifth line thereof after the word "Ontario" the words "and Quebec," and by adding to said sub-section the following: Rev. Stat. c. 167, s. 137 amended.

(b) Where under a contract of life insurance made in this Province, the insurance money is payable to the representatives of a person who, at the time of his death, was domiciled in the Province of Quebec, and died intestate, the money may—after the expiration of three months after such death, if no person has become his personal representative in this Province—be paid to the person or persons entitled according to the laws of the Province of Quebec to receive the money and give a discharge for the same if such money were by the terms of the contract payable in Quebec.

(c) Where in the case of a contract such as in sub-division (b) mentioned, the deceased disposes of the money payable under the contract by a will, valid according to the laws of the Province of Quebec, then such money may be paid at any time after death, or according to the terms of the contract in that behalf, to the person or persons entitled under such will to receive and give a valid discharge for money payable in Quebec.

8. This Act, excepting sections 5, 6 and 7 thereof, shall not go into force until the 1st day of January next. Commencement of Act.

## CHAPTER 33.

### An Act respecting the Insurance of Live Stock.

*[Assented to 23rd March, 1889.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpretation

1.

1. "Provincial Secretary" includes any member of the Executive Council to whom from time to time may be transferred, either for a limited period or otherwise, the powers and duties which are by this Act assigned to the Provincial Secretary.

2. The words and phrases in this sub-section enumerated shall have the same meanings as in *The Ontario Insurance Act*, that is to say: "Municipality," "Mutual Company," "Cash Mutual Company," "Registry Office," "Inspector," "Member," "Contract," "Written."

Meetings to establish companies, how called.

2. Ten owners of live stock in any municipality or association of municipalities may call a meeting of owners of live stock to consult whether it be expedient to establish therein a live stock insurance company, upon the mutual or cash-mutual principle.

Advertisement calling such meeting.

3. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette* and for three weeks in one or more of the newspapers published in the county.

Subscription books.

4. If thirty residents of the municipality, being owners of live stock in the Province of Ontario, are present at the meeting, and a majority of them determine that it is expedient to establish a mutual or cash-mutual live stock insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of live stock within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the company.

When meeting may be called.

5. Where fifty or more persons, being owners of live stock in the Province of Ontario, have signed their names in the subscription book, and bound themselves to effect insurances in the company, which in the aggregate shall amount to \$50,000 at least, a meeting shall be called, as hereinafter provided.

How meeting to be called.

6.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the company, at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the county in which the municipality is situated.

(2) The said notice and advertisement shall contain the object of the meeting, and the time and place at which it is to be held.

7.—(1) At such meeting the name and style of the company, including the appellations "Live Stock" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of directors elected as hereinafter provided and the place named at which the head office of the company shall be located.

Election of directors.

(2) To constitute a valid meeting for the purposes of sub-section 1, at least twenty-five of the aforesaid subscribers must be present.

(3) In case of a county or township the head office may be in any city, town or village, within the boundaries of the county or township or adjacent thereto.

8.—(1) Copies of the resolutions adopting the name or style and the place of the head office of the company, and of the subscription book, and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the registry office.

Documents to be filed in registry office.

(2) Upon the filing of said documents, with the certificate, the subscribers above mentioned, and all other persons thereafter effecting insurances in the company, shall become members of the company and shall be a body corporate by and under the name so adopted.

Thereon the corporation formed.

(3) But the corporate powers of the company shall be forfeited by non-user, or by discontinuance of business, or by suspension or cancellation of license as is provided in section 7 of *The Ontario Insurance Act*.

Forfeiture of corporate powers.

9. As soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer or manager, and the transaction of such other business as may be brought before them.

Meeting of directors to elect officers.

10. After the company has filed in the registry office, the documents mentioned in section 8, and before the company shall transact or be entitled to transact any insurance business, the chairman and secretary shall transmit or deliver like copies, duly certified by them to be true copies and endorsed by the registrar as having been duly filed, to the inspector at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, and whether the company has been organized and incorporated as a mutual or as a cash-mutual company.

Copies of resolutions, subscription books, and statements of proposed business to be transmitted to insurance inspector.

11. Upon receipt of such certified copies and of the aforesaid statement by the inspector, he shall proceed to ascertain whether

Inquiries to be made by inspector

after receiving statement. whether the proceedings for the incorporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry.

On report of inspector Provincial Secretary may issue license.

**12.** If, upon examination, the inspector shall find that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Provincial Secretary may thereupon issue a license under his hand and seal setting forth that it has been made to appear to him that the company has complied with the requirements of the law; and that the company is accordingly licensed to transact the kind of business specified in the license, for a term therein also specified, but not exceeding twelve months from the date of issue; but such license may from time to time be renewed as hereinafter provided.

Change of name or of head office.

**13.** When a change of name or of head office is desired by the company, application may be made as provided in sections 20 to 23 inclusive of *The Ontario Insurance Act*, and the said sections shall be taken and read as part of this Act, as shall also the following sections of the said *Ontario Insurance Act*, that is to say: Sections 40 to 52 inclusive (relating to government deposits), and sections 55 to 63 (relating to license);

Proviso.

Provided that the initial deposit for a purely mutual live-stock insurance company shall be \$5,000.

Power to admit members and insure.

**14.** The company may admit, as a member thereof, the owner of any live stock, and may insure the same, and every person admitted a member of the company by the insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of the company.

Liabilities of members.

**15.** No member of any mutual insurance company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking.

Members withdrawing.

**16.** Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require.

Annual meeting for election of directors.

**17.** A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. **18.**

**18.** At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year ending on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities, said statement having been first audited by two competent persons not directors, agents or employees of the company, and having been by the said auditors certified over their signatures as correct.

Annual report  
and state-  
ment.

**19.** Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the meeting; and a board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided.

Notice of  
annual or  
special meet-  
ings.

**20.** Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: for any sum under \$1,500, one vote; from \$1,500 to \$3,000, two votes; from \$3,000 to \$6,000, three votes; and one vote for every additional \$3,000; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company.

Members to  
have votes  
proportionate  
to the amount  
of their insur-  
ance.

**21.** No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application and premium note have been accepted by the board of directors.

Right of ap-  
plicants to  
vote.

**22.** The directors shall be members of the company, and insured therein, for the time they hold office, to the amount of \$200 at least.

Qualification  
of directors.

**23.**—(1) The board of directors shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 7 or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election.

Number of  
directors to be  
determined by  
resolution.

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid.

Copy of resolution and list of directors to be filed.

**24.** A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the inspector and also in the registry office.

Retirement of directors in rotation.

**25.** Of the directors elected, as hereinbefore provided, one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of said first meeting.

Annual election to fill vacancies.

**26.** At every annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election.

Manager may be a director. His salary.

**27.** The manager of a mutual insurance company may be a director of the company, and may be paid an annual salary, but only under a by-law of the company.

Certain persons not eligible to be elected directors.

**28.** No agent or paid officer, or person in the employment of the company, other than the manager, shall be eligible to be elected a director, or shall be allowed to interfere in the election of directors for the company.

Election of directors.

**29.** The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons.

Mode of election.

**30.** The election of directors shall be by ballot.

Case of a tie at an election.

**31.** If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected; and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Election of a president and vice-president.

Vacancies in office of director, how filled up.

**32.** If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 22 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession

cession, which shall *ipso facto* create such vacancy, the vacancy shall be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs; and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired.

**33.** In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office till their successors are elected.

Provision in case of failure to elect directors on proper day.

**34.** Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Quorum of directors.

**35.** A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor.

Directors disagreeing may record their dissent.

**36.** The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants, as to them seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a table of rates, premiums, or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings.

Appointment of manager and other officers.

Board may adopt a tariff of rates.

Meetings of the board.

**37.**—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed.

The board may pass by-laws.

When by-laws are not repealable.

(2) Every by-law of the board shall be duly entered in the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company.

When by-law of board to have effect as by-law of company.

By-laws to be  
filed with  
inspector.

(3) There shall be filed with the inspector copies of all by-laws that may from time to time be passed by the company or the board.

Board to  
manage pro-  
perty, etc., of  
company.

38. The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for.

Re-insurance  
of risks.

39. The board may make arrangements with any other company licensed to transact live stock insurance business in the Province for the re-insurance, on such conditions with respect to the payment of premiums thereon as may be agreed between them.

Investment of  
capital and  
funds of the  
company.

40. The board may, in the name of the company, invest the capital and funds of the company in any stock, debentures, or other securities in which trustees may invest trust money, and may, if a mutual or cash-mutual company, in the name of the company, recover from any member of such company, in any Court of competent jurisdiction, any premium or assessment upon his premium note payable by him.

Recovery of  
assessments.

Directors may  
issue debentures and promissory notes for loans;

41.—(1) The board may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than \$100.

assets of the  
company to be  
liable for  
the same.

Amount of  
debentures,  
etc., limited.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes.

Land that  
may be held  
by the com-  
pany.

42. Every company may hold such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands.

Loans to or  
from direc-  
tors, for-  
bidden.

43. No company shall contract with any director or officer thereof for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby prohibited; and any contract in violation of this section shall be void.

**44.** The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than \$2,000 for the faithful discharge of his duties. Treasurer of company to give security.

**45.** At any annual meeting of the members of a company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the inspector of insurance, with whom also shall be filed copies of all other by-laws that may from time to time be enacted by the company or by the board of directors. Remuneration of directors.

**46.**—(1) Every company shall keep such a classification of its contracts, and such registers and books of account as may from time to time be directed or authorized by the Provincial Secretary; and if it appears at any time to the inspector that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of the company, he shall report the same to the Provincial Secretary who shall thereupon nominate a competent accountant to proceed, under the directions of the inspector, to audit such books and to give such instructions as will enable the officers of the company to keep them correctly thereafter, the expense of the accountant to be borne by the company to which he is sent, [and shall not exceed \$5 per day and necessary travelling expenses]; the account for such audit and instructions shall be certified and approved as provided in section 149 of *The Ontario Insurance Act*, and thereupon shall be payable by the company forthwith. Company to keep such books as may be directed by Provincial Secretary.

(2) The books and records by this section required to be kept shall include only contracts within the intent of section 47 of *The Ontario Insurance Act*.

**47.**—(1) It shall be the duty of the president, vice-president, or managing director, secretary, or manager, and treasurer, when the secretary is not also treasurer of the company, to prepare annually under their oath, on the first day of January, or within one month thereafter, a statement of the condition and affairs of the company on the 31st of December then next preceding, exhibiting assets, liabilities, receipts and expenditure, in such form and with such items and detail as shall be required by the Provincial Secretary and to cause such statement to be deposited in the office of the inspector, such statement to be accompanied by a declaration to the effect shown in the form to this sub-section annexed, sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act. Yearly statement to Provincial Secretary, what it must show and how it must be verified.

*Form*

*Form of Declaration to accompany the Statement.*

Province of Ontario, } We,  
County of }

Secretary and President, and  
Treasurer  
of company, severally make oath and say, and each for himself says, that we are the above described officers of the said company, and that we have each of us individually, the means of verifying the correctness of the statement within contained of the affairs of the said company, and that on the day of last, all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by us subscribed, are a full and correct exhibit of all the liabilities and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day.

Signatures..

Sworn before me, at the  
in the county of , this }  
day of , A.D. 18 }

Form of statement may be changed by Provincial Secretary.

(2) The Provincial Secretary may, from time to time make such changes in the form of the statements as seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Companies to reply to inquiries of Lt. Governor in Council.

(3) Any company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions which may be required by the Lieutenant-Governor in Council.

Penalty for contravention of above section.

48. Any violation of the next preceding section shall subject the company violating the same to a penalty of \$200 for every violation, and of the additional sum of \$100 for every month during which the company neglects to file such affidavits and statements as are therein required; if such penalties are not paid, the Lieutenant-Governor in Council may order such company's license to be suspended or cancelled, as may be deemed expedient.

Report of Provincial Secretary to be laid before the Legislature.

49. The Provincial Secretary from the yearly statements required to be made, shall prepare annually an abstract report, shewing the results of every company's business together with an analysis of every branch of insurance, with the company's name, classified from the statements made by the respective companies; and the Provincial Secretary shall publish the said abstract report forthwith for general information.

Term of contracts.

50.—(1) Contracts of live stock insurance shall not in any case exceed the term of two years.

Renewing policies.

(2) Any contract that may be made for one year or any shorter period, may be renewed at the discretion of the board of

of directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking; and any cash payments for renewal must be made at the end of the year, or other period for which the policy was granted, otherwise the policy shall be null and void: Provided that no premium note taken under any contract of insurance shall exceed forty per centum or fall below ten per centum per annum of the sum insured.

**51.** The company may, within the limits prescribed by the license insure against loss of live stock by fire, lightning, accident, disease or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. Property which may be insured.

**52.** All contracts of live stock insurance issued by the board of directors, sealed with the seal of the company, signed by the president or vice-president, and countersigned by the secretary or acting secretary, shall be binding on the company. Policies to be binding on the company.

**53.** The party insured shall if insured against loss on the mutual plan be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking. Cancellation of policies.

**54.** The conditions set forth in this section shall, as against the insurers, be deemed to be part of every contract, whether sealed, written or oral, of live stock insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every policy with the heading *Statutory Conditions*; and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 55 and 56. Statutory conditions to be part of every contract unless varied.

#### STATUTORY CONDITIONS.

1. If any person or persons insures his or their live stock and causes the same to be described otherwise than as they really are, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made. Misrepresentation or omission.

2. After application for insurance, it shall be deemed that any policy sent to the assured is intended to be in accordance with Policy sent to be deemed as applied for with

less variance pointed out.

with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application.

Change of property.

3. If the property insured is, during the term of contract, pledged, mortgaged, sold or assigned without a written permission endorsed hereon by an agent of the company duly authorized for such purpose, the contract shall thereby become void; but this condition does not apply to change of title by succession, or by the operation of the law, or by reason of death.

Salvage.

4. In case of the removal of the insured live stock to escape conflagration or other imminent danger, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the insured.

Prior or subsequent insurance.

5. The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is endorsed hereon, nor if any subsequent insurance is effected in any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

6. The company is not liable for the losses following, that is to say:

Liability in case of non-ownership.

(a) For loss of live stock owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy;

Riot, invasion, etc.

(b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

Proof of loss when payable to other than assured.

7. Proof of loss must be made by the assured, although the loss be payable to a third party.

Directions to be observed on making claim.

8. Any person entitled to make a claim under this policy is to observe the following directions:

(a) He is forthwith after loss to give notice in writing to the company;

(b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits;

(c) He is also to furnish therewith a statutory declaration, declaring,

(1) That the said account is just and true;

(2) When and how the loss was caused, so far as the declarant knows or believes;

(3)

- (3) That the loss was not caused through his wilful act or neglect, procurement, means or contrivance ;
- (4) The amount of other insurances ;
- (5) All liens and incumbrances on the subject of insurance ;
- (6) The place where the live stock insured was at the time of the loss.

(d) He is to produce, if required, a certificate under the hand of a magistrate, notary public, commissioner for taking affidavits, or municipal clerk, residing in the vicinity in which the loss happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the loss alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss on the subject assured, to the amount certified.

9. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

Proof of loss may be made by agent.

10. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

False statement or fraud vitiates claim.

11. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the county wherein the loss has happened ; and such reference shall be subject to the provisions of the laws applicable to references in actions ; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company ; where the full amount of the claim is awarded the costs shall follow the event ; and in other cases, all questions of costs shall be in the discretion of the arbitrators.

Arbitration in case of differences.

12. The loss shall not be payable until sixty days after completion of the proofs of loss, unless otherwise provided for by the contract of insurance.

Loss when payable.

13. The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a ratable proportion of the premium for the unexpired term, calculated from the termination of the notice ;

Insurance terminable on notice.

in

in the case of personal service of the notice five days' notice, excluding Sunday, shall be given. Notice may be given by any company incorporated under this Act by registered letter addressed to the assured at his last post-office address notified to the company, and where no address notified, then to the post-office of the agency from which application was received, and where such notice is by letter, then seven days from the arrival at any post-office in Ontario shall be deemed good notice. And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days, as the case may be.

(a) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

Waiver of condition.

14. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company.

Officers assuming to agree in writing to be deemed agents.

15. Any officer or agent of the company who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose.

Actions to be brought within one year.

16. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs.

What constitutes written notice.

17. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company.

Variations, how indicated.

55. If a company desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added on the instrument of contract containing the printed statutory conditions words to the following effect, printed in conspicuous type and in ink of different colour:—

“ VARIATIONS IN CONDITIONS.

“This policy is issued on the above Statutory Conditions, with the following variations and additions:

“ These

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company."

**56.** No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurers, be subject to the Statutory Conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid.

Variations not binding unless clearly indicated.

**57.** In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 54 of this Act, if the said condition so contained or included is held, by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void.

Policy containing other than statutory conditions.

**58.** Where, by reason of necessity, accident or mistake, the conditions of any contract of live stock insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a loss, have not been strictly complied with; or where, after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any proviso or condition of such contract, the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions; or, if full compliance adjudged inequitable, in abovecases, liability and policy not vacated.

**59.** A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases.

Appeal.

**60.**—(1) Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding,

Justices of the Peace, etc., may swear and

examine witnesses regarding loss.

proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss in which any live stock insurance company is interested, and may administer any oath or affirmation required under this Act.

May hold special investigation on request.

(2) On receiving a written request from any officer or agent of any insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any loss that has happened within his county or district, and as to the persons, if any, profiting thereby.

Powers.

¼ (3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings and of the evidence given before him.

Certain sections of cap. 167, Revised Statutes, to be read as part of this Act.

61. Sections 122 to 136 inclusive, and sections 138 to section 154 inclusive, of *The Ontario Insurance Act*, shall be taken and read as part of this Act, provided that, for purposes of this Act only, section 135 shall be deemed to have been amended so as to read as follows:—

Powers of companies to insure on the cash premium principle.

“135. Any cash-mutual live stock insurance company licensed under this Act may effect insurance upon the cash premium principle for one year or less; but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 103; and all the property and assets of the company, including premium notes and undertakings, shall be liable for all losses which may arise under insurances for cash premiums; and any such company may also create or possess a guarantee capital or fund for the company, according to the provisions of this Act;” and provided also that in section 152 the words “Live Stock” shall be deemed to have been substituted for the word “Fire” in the second line of the section.

Guarantee fund.

## CHAPTER 34.

An Act to amend the Revised Statute respecting  
Building Societies.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word “society” shall include and mean company, building society and institution established under the provisions and authority of the *Revised Statute respecting Building Societies* or any former Act respecting building societies. Interpretation.

2. The society shall cause a book to be kept by the secretary or some other officer, specially charged with that duty, wherein shall be kept recorded— Register of shareholders.

(a) The names, alphabetically arranged, of all persons who are shareholders or members of the society.

(b) The address of every such person so far as known.

(c) The number of shares of stock held by each shareholder.

3. Where such book is not now kept, the society shall cause the same to be opened, and the particulars mentioned in section 2 to be entered therein within three months after the passing of this Act. Time within which register to be prepared.

4. A certified list of the shareholders of the society, with their addresses and the number of shares they respectively hold, shall be transmitted quarterly on or before the fifteenth days of January, April, July and October in each year to the Provincial Treasurer. Such list shall be certified by the president or a director of the society, and by the manager or secretary thereof, and the transmission thereof shall be made by the delivery of such list at the office of the Provincial Treasurer, or by registered letter, posted at such time that in the ordinary course of post it may be delivered at the said office on or before the said day. The said list shall contain a true and correct statement of the said particulars as they existed on the last day of the month next preceding the time fixed for transmission of the same. List of shareholders to be transmitted quarterly to Provincial Treasurer.

5. Every society which neglects to open or keep the book mentioned in sections 2 and 3, or to transmit the list mentioned in the next preceding section as therein provided, shall incur a penalty of \$25 for each and every day during which such neglect continues. Penalty.

Liability for making untrue entries.

6. No director, officer or servant of the society shall knowingly make, or assist in making, any untrue entry in the said book or the said list, or shall refuse or neglect to make any proper entry therein, and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby.

Duration of proxies limited.

7. Every power of attorney or proxy to vote for any shareholder, executed or given either before or after the passing of this Act, and whether a general or special one, shall cease to be valid, and shall not be acted on after the expiration of three years from the date thereof.

Notice of meetings to be sent to shareholders.

8. Notice of the time and place of the holding of the annual general meeting of the shareholders of the society shall be sent by post prepaid to the address of each shareholder, so far as the same shall be known, at least ten days previously thereto, and a copy of the annual statement of the society shall accompany such notice.

Penalty.

9. A society wilfully neglecting or omitting to comply with the provisions of section 8 shall incur a penalty of \$100.

Application of Act.

10. This Act shall not apply to terminating Building Societies.

## CHAPTER 35.

### An Act respecting Aid to certain Railways.

*[Assented to 23rd March, 1889.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Railway companies granted aid out of the Con. Rev. Fund.

1. Subject to the conditions of this Act aid shall be granted out of the Consolidated Revenue Fund to the undermentioned railway companies for the construction of the portions of railway hereinafter mentioned as follows, that is to say :—

1. The Ontario and Rainy River Railway, from the town of Port Arthur to Fort William, and thence westerly in the direction of Sand Lake, not exceeding in the whole fifty miles, at the rate of \$3,000 per mile ;

2. The Manitoulin and North Shore Railway Company, from the village of Little Current to a point on the Canadian Pacific Railway, in the township of Nairn, a distance not exceeding twenty-eight miles, at the rate of \$3,000 per mile ;

3. The Parry Sound Colonization Railway Company, from the town of Parry Sound to Burk's Falls on the line of the Northern Pacific Junction Railway, a distance of about forty-five miles, at the rate of \$3,000 per mile ;

4. The Nipissing and James' Bay Railway, from North Bay towards Lake Temiscamingue, a distance not exceeding fifty miles, at the rate of \$3,000 per mile.

5. The Brockville, Westport and Sault Ste. Marie Railway Company, from the point where the said railway will intersect the Ontario and Quebec Division of the Canadian Pacific Railway in the township of Oso to Palmer's Rapids, in the township of Raglan, a distance of about fifty-five miles, at the rate of \$3,000 per mile.

2.—(1) In lieu of the said payments in the preceding section mentioned, the Lieutenant-Governor in Council may, at his option, direct that payments shall be made to the said railways, or any of them, at the rate of one hundred and thirty-nine dollars and ninety-two cents per mile per annum, payable half-yearly for forty years.

Annual payments may be made in lieu of sum in gross.

(2) If half-yearly payments are authorized under this section, the payment in aid shall be computed in manner following, that is to say :—

(a) If the portion of the railway for which the payment is made has been completed between the first day of January and the first day of July, the payments shall be computed as commencing on the first day of January ;

(b) And if the portion for which the payment is made has been completed between the first day of July and the thirty-first day of December, the payment shall be computed as commencing on the first day of July.

3. All of the said grants of aid are to be respectively subject to the following conditions :—

Conditions to which grants of aid are subject.

1. The Lieutenant-Governor in Council may require any railway company so aided, or any railway company formed by an amalgamation of any company or companies, aided under this Act, with any other railway company or companies, to enter into an agreement or agreements with any other railway company or companies containing such terms and details as the Lieutenant-Governor in Council may approve of, in order to secure running powers or rights of user to such company or companies over the line or portion of line of railway of the company aided under this Act, or former Acts, or in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other company

company or companies or for the expenditure of the aid hereby granted to the Ontario and Rainy River Railway on the construction of the Port Arthur, Duluth and Western Railway, over the course or route hereinbefore indicated, with respect to the Ontario and Rainy River Railway, upon such terms as in default of agreement between the respective companies, may be settled upon by the Lieutenant-Governor in Council.

2. No payment shall be made to any of the said companies in respect of the said grants in aid for any portion of their railway, until the Commissioner of Public Works shall have reported to the Lieutenant-Governor in Council that such company has completed the portion of its road in respect of which payment is to be made (including such sidings and station houses as the Commissioner may think necessary for the accommodation of the public), within the period for completing the railway or portion thereof named in the Acts relating to the company, or such other period as may by any other Act be fixed for such purpose.

3. Payments may be made as portions of the railway, not less than ten continuous miles, are completed as aforesaid; and in cases where the whole distance aided is less than ten miles, then for such distance.

4. After a company has complied with the conditions necessary, and the Commissioner has reported as aforesaid, the Lieutenant-Governor in Council may, at his option, authorize either the gross cash payment to be made, or that scrip or certificates may be issued for and in respect of the said grant; and every such certificate shall, when signed by the Treasurer of this Province and the Accountant in his Department, and countersigned by the Auditor, be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into or obtain proof of any facts stated therein, all of which shall be deemed conclusive as against the Province in favour of such transferee.

5. Each of the said companies shall furnish such information of the progress of the works on the railway of the company as may from time to time be required by the Commissioner of Public Works; and also such statistical or other details, accounts and information as from time to time may be required from them by the Commissioner after the completion of the railway.

6. The location, grades, the widths and slopes of cuttings and embankments, the plans of bridges, culverts, buildings and other structures, the weight and section of iron rails and other details of proposed construction of the railways mentioned, shall be subject to inspection and approval by the Government Engineer, before the commencement of the works, as well as after completion.

7. In order to secure the continuous running of the railways aided by this Act, the iron or steel rails laid from time to time by any of the said railways are not to be removed by the company, or by the authority of the company, without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works.

4. Whereas the construction of colonization railways will promote the settlement, and increase the value of certain unsettled lands of the Province; and whereas it is desirable that a portion of the said lands should be set apart and sold for the purpose of forming a fund to recoup the Province in respect of moneys expended in aiding railways—there is hereby set apart for the purpose of being sold and the proceeds applied to form the fund aforesaid—a tract of land at least ten miles in width on each side of the lines of railways to which aid is granted as aforesaid, or on each side of the lines of the said railways as the same may be finally located and established.

Land set  
apart to form  
railway sub-  
sidy fund.

5. The said lands so set apart shall be sold at such price not less than two dollars per acre, and on such terms and conditions otherwise as the Lieutenant-Governor may from time to time determine.

Terms of sale.

6. The moneys arising from the sale of the lands so set apart shall constitute a fund to be called “The Railway Subsidy Fund, 1889,” and a separate account of the same shall be kept by the Treasurer of the Province.

Appropriation  
of moneys  
derived from  
sales.

7. The said Railway Subsidy Fund shall be applied as follows:—

Application of  
railway sub-  
sidy fund.

1. The cost and expenses of the collection of the said fund shall form and be the first charge thereon.

2. The remainder of the said fund shall be applied so far as necessary in or towards payment of the moneys by any Act of this Session granted, or which may hereafter be granted in aid of railways.

8. All pine trees upon the said lands shall be reserved from sale, and the proceeds of the sale of the said trees shall form no part of the said Railway Subsidy Fund.

Pine trees  
reserved.

9. In case, after the said lands are placed in the market, the Commissioner of Crown Lands reports in writing that any particular portion or portions of the lands so set apart, is or are not worth two dollars per acre, it shall be lawful for the Lieutenant-Governor in Council to reduce the said price, and the same may thereafter be sold at such reduced rate.

Reduction of  
price of lands.

Lands may be  
granted for  
right of way  
free of charge.

**10.** Notwithstanding anything herein contained, the Lieutenant-Governor in Council may dispose, by way of free grant, of any of the lands so set apart as aforesaid, for the right of way of any railway, or for railway stations, workshops or any lands necessarily required for constructing or working any railway, or any other lands required for public purposes, and of which the Lieutenant-Governor in Council may deem it to be in the public interest to make free grants.

## CHAPTER 36.

### The Municipal Amendment Act, 1889.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Commence-  
ment of Act.

**1.** This Act shall come into force on the first day of August, 1889, except as to section 4, which shall come into force on the 15th day of January, 1890, and section 41 hereof which shall come into force on the passing hereof.

Rev. Stat.  
c. 184, s. 16,  
s. 7 (51 V. c.  
28, s. 2),  
sub-s. 1  
amended.

**2.** Sub-section 1 of section 16 of *The Municipal Act* is amended by adding the following thereto :—

(a) The term “electors” in the preceding sub-section shall be held to include all freeholders and leaseholders whose lease extends over a term of not less than five years from the date when the said vote is taken, and whose names are entered on the last revised assessment roll of the said municipality.

Rev. Stat. c.  
184, s. 24, sub-  
s. 7 (51 V. c.  
28, s. 2),  
sub-s. 1  
amended.

**3.** Sub-section 7 of section 24 of the said Act is amended by striking out the words “as hereinbefore provided,” in the last line thereof, and substituting the words “on a day to be named in the said proclamation or in any subsequent proclamation.”

Rev. Stat.  
c. 184, s. 77,  
sub-s. 1,  
amended.

**4.** Sub-section 1 of section 77 of the said Act is amended by adding after the words “clerk of the peace” in the seventh line of the said sub-section the words “no high school trustee.”

Rev. Stat.  
c. 184, s. 89,  
amended.

**5.** Section 89 of the said Act is amended by striking out the words “the end of three months from” in the 10th and 11th lines, and the words “and until such day the change shall not go into effect” in the 12th and 13th lines of the said section.

6. Clause 2, of sub-section 8, of section 163 of the said Act is amended by adding the following words thereto: "but no word or mark written or made, or omitted to be written or made by the deputy returning officer on a ballot paper, shall avoid the same." Rev. Stat. c. 184, s. 163, sub-s. 8, amended.

7. Section 227 of the said Act is amended by adding thereto the following words: "and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities being equalized equally, then the reeve, or, in his absence, the deputy-reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote." Rev. Stat. c. 184, s. 227, amended.

8. The said section 227 of the said Act is further amended by adding thereto the following as sub-section 2 thereof:— Rev. Stat. c. 184, s. 227, amended.

(2) In counting the names of voters referred to in this section the name of the same person shall not be counted more than once, whether the name of such person appears upon the voters' lists only once or more than once.

9. Section 255 of the said Act is amended by adding after the word "cities," in the first line thereof, the words, "and towns." Rev. Stat. c. 184, s. 255, amended.

10. Section 259 of the said Act is repealed and the following is substituted therefor: Rev. Stat. c. 184, s. 259, repealed.

259—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure. Appointment of auditors for Toront.

(2) The treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit this abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on or before the first day of May shall transmit one copy of the said abstract with their report thereon to the secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same, at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. Report of auditors.

11. Sub-section 2 of section 263 of the said Act is amended by inserting after the word "abstract," in the seventh line of the said sub-section, the words "and detailed statement in such form as they have been submitted to the council." Rev. Stat. c. 184, s. 263, sub-s. 2, amended.

Rev. Stat. c.  
184, s. 340,  
sub-s. 2  
amended.

**12.** Sub-section 2 of section 340 of the said Act is amended by inserting after the words "gas or water works," where they occur in the said sub-section, the words "or railways."

Rev. Stat. c.  
184, s. 342,  
sub-s. 1  
amended.

**13.** Sub-section 1 of section 342 of the said Act is amended by inserting after the words "gas or water works," where they occur in the said sub-section, the words "or railways."

Rev. Stat. c.  
184, s. 390  
amended.

**14.** Section 390 of the said Act is amended by inserting after the word "situate," in the eleventh line thereof, the word "may."

Rev. Stat. c.  
184, s. 392,  
repealed.

**15.** Section 392 of the said Act is repealed and the following substituted therefor:

Provision if  
owner of pro-  
perty refuses  
to name an  
arbitrator.

**392.** "In any such arbitration, if after service upon the owner or occupier of or any person interested in the property of a copy of the by-law (certified to be a true copy under the hand of the clerk of the council), together with a notice in writing of the appointment of an arbitrator on behalf of the corporation, such owner, occupier or person interested does not within twenty-one days appoint an arbitrator on his behalf and give notice thereof to the said council, the corporation may (except in the case provided for in section 393) apply to the Judge of the County Court of the county in which the municipality lies to appoint an arbitrator on behalf of such owner, occupier or person interested in the property as provided in section 394."

Rev. Stat. c.  
184, s. 436,  
amended.  
Livery  
stables.

**16.** Section 436 of the said Act is amended by adding thereto the following sub-section:—

(4) The board of commissioners of police and the council of any city in which there is no board of commissioners of police may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable, boarding or other stables shall hereafter be established in which horses are to be kept for hire or express purposes.

Rev. Stat. c.  
184, s. 460,  
amended.

**17.** Section 460 of the said Act, as amended by *The Municipal Amendment Act, 1888*, is further amended by adding thereto, the following sub section:—

Maintenance  
of patients  
sent by local  
municipalities  
to House of  
Refuge.

(6) The council may provide by by-law that each local municipality within the county shall be required to pay for the maintenance and support of each person sent by or from such local municipality to the House of Refuge, and received therein, a sum not exceeding at the rate of one dollar and fifty cents per week.

Rev. Stat. c.  
184, s. 469,  
amended.

**18.** Section 469 of *The Municipal Act*, is amended by adding thereto, the following sub-section:—

Purchase of  
lands and  
erection of  
buildings for  
municipal and  
judicial pur-  
poses.

(2) It shall be lawful for the council of any county and the council of any city or town, situate in such county, but separated therefrom for municipal purposes, to enter into any agreement,

(a)

(a) For the purchase or acquisition of land within the county town for the purpose of erecting thereon buildings for the use of such county and city or town, for municipal and judicial purposes ;

(b) And for the erection, maintenance, use, management and control of such buildings ;

(c) And for fixing or ascertaining the amount which each municipality shall pay or contribute for the purposes aforesaid ;

(d) And for the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof ;

And to acquire such land as may be necessary for the erection thereon of such buildings ;

And to pass all such by-laws as may from time to time be necessary for the purchasing of such land, and the carrying out of any such agreement.

**19.** Sub-section 9, of section 479 of the said Act is amended by adding after the word "municipality" in the sixth line thereof, the following words: "or for the purpose of aiding any regularly organized rifle association ; or for adding to the sum paid, during the period of annual or other authorized drill, or when on active service, to any enlisted member or members of any corps of Active Militia organized within such municipality ; or for the purpose of military outfit or equipment of the members of such corps ; or for aiding in the establishment or maintenance of a band of music." Rev. Stat. c. 184, s. 479, sub-s. 9, amended. Aid to rifle associations and militia.

**20.** Sub-section 1 of section 480 of the said Act is amended by striking out of the second line thereof the words "with any water-works or water company," and by adding at the end thereof the following :—"Every municipal council shall in like manner have power to contract for a supply of gas or electric light for street lighting and other public uses for any number of years not in the first instance exceeding ten, and for renewing such contract from time to time for such period not exceeding ten years, as the council may desire." Rev. Stat. c. 184, s. 480, sub-s. 1, amended. Contracts for the supply of gas or electric light.

**21.** Section 487 of the said Act is amended by adding to sub-section 1 thereof the following words :— Rev. Stat. c. 184, s. 487, sub-s. 1, amended.

"Provided that in cities having a population of 100,000 or over the limitation of the above provision to claims not exceeding \$1,000 shall not apply, and all claims of the character aforesaid may, at the option of any party interested therein, be settled and determined by the award of a sole arbitrator to be appointed by any Judge of the Court of Appeal for Ontario, upon the application of any party interested, and upon notice, as herein provided, to the other parties. Matters that may be referred to a sole arbitrator.

Provided

Appointment  
of valuers  
in the place  
of a sole arbi-  
trator.

Provided that in such cities in lieu of appointing a sole arbitrator, the Judge may, in cases where the sole question involved is the value of the property taken, or to be taken, appoint one or more valuers or appraisers, who shall determine the amount of compensation to be made to the claimant or claimants upon view of the locality, and according to their own skill and knowledge without hearing evidence."

Rev. Stat. c.  
184, s. 487,  
sub-s. 2,  
amended.

(2) Sub-section 2 of the said section is amended by adding after the words, "sole arbitrator" in the last line thereof "or valuator or appraiser."

Rev. Stat. c.  
184, s. 487,  
amended.

22. Section 487 of the said Act is further amended so far as relates to cities having a population of 100,000 or over, by adding the following sub-sections thereto:—

Fees of valu-  
ators or ap-  
praisers.

(4) The fees to be paid to the valuator or appraiser, or valutors or appraisers shall be determined by the Master in Chambers of the Supreme Court of Judicature for Ontario upon the application of any party interested.

Costs of  
awards.

(5) Subject to the provisions of section 488, the costs of any award made under this section, by an arbitrator or by the valuator or valutors, or appraiser or appraisers appointed as herein provided, shall be upon such scale and shall be borne and paid by such of the parties as the said Master in Chambers may direct by order (to be made on the application of either party).

Appointment  
of arbitrators,  
etc., not to be  
deemed an  
admission of  
the corpora-  
tion's liability.

(6) The appointment of arbitrators, valutors or appraisers under this section, or under sections 391, 392, 393 and 394 of this Act, shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought.

Contents of  
award.

(7) Any arbitrator appointed under this section, or under the sections hereinbefore mentioned, may and shall at the request of either party, in and by his said award, specify separately, (1) the amount of compensation or damage to which the claimant would be entitled, if there was no set off on account of any advantage derived by the claimant from the work or improvement in question, and (2) the amount deducted from such compensation or damage on account of such advantage, and also whether any, and if any, how much of the said advantage was direct, special and peculiar to the property of the claimant.

**23.** Section 489 of the said Act is amended by adding to sub-section 1 the following article :—

Rev. Stat., c.  
184, s. 489,  
sub-s. 1,  
amended.  
Election not  
to be voided if  
sub-division is  
wrongly  
divided.

(c) An election shall not be irregular or void or voidable, for the reason that a polling sub-division is not or has not been divided which contains more than 200 voters so long as it does not contain more than 300 voters.

**24.** Section 496 of the said Act is amended by adding thereto, as part of sub-section 10, the following: "For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts."

Rev. Stat. c.  
184, s. 496,  
amended.  
Dwellings  
on narrow  
streets.

**25.** Section 496 of the said Act is further amended by adding thereto the following sub-sections :—

Rev. Stat. c.  
184, s. 496,  
amended.

(43) For appointing, employing and paying a night-watchman or watchmen, for the purpose of patrolling at night or between certain hours of the night, any street or streets or such portion or portions thereof within the municipality as may by such by-law be defined, and of guarding and protecting the property, real and personal, within the limits thereby defined.

Appointment  
of night-  
watchman.

(a) For levying by special rate upon all the real property within the limits defined by the by-law, except vacant lots, all the expenses of or incidental to such employment of such night-watchman or watchmen in the same manner and at the same time as payment of the other rates or taxes within the municipality is enforced ;

Special rate to  
be levied.

(b) No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders who, upon the passing thereof, would become liable to be charged with the expenses to be incurred thereunder, and who represent as value at least two-thirds of the assessed real property thereon liable to be charged with such expenses ;

Petition by  
ratepayers.

(c) No such petition shall be received or acted on by the council unless, and until all the signatures thereon are proved by the affidavit of a reliable and competent witness to be the genuine signatures of the persons whose signatures they purport to be, and that the contents thereof were made known to each person signing the same before signature ;

Proof of  
signatures.

(d) As between the landlord and tenant of premises comprised within the limits defined by said by-law, the tenant shall be liable for the expenses to be levied thereunder, for the period or time of his occupation, unless there is an express agreement to the contrary.

Liability of  
tenant.

**26.** Section 24 of *The Municipal Amendment Act, 1888*, is amended by striking out the words "having a population in excess of fifty thousand," which occur at the end of the third

51 V, c. 28, s.  
24, amended.

third and the beginning of the fourth lines thereof, and by adding the words "or town" immediately after the word "city" in the third line thereof.

Rev. Stat. c.  
184, s. 510,  
amended.  
Livery  
stables.

**27.** Section 510 of *The Municipal Act* is amended by adding at the end thereof the words "and for defining localities or districts within the limits of which no livery or boarding stable shall hereafter be established."

Rev. Stat. c.  
184, s. 535  
amended.

**28.** Section 535 of the said Act is amended by adding the following thereto as sub-section 5 :—

(5) Notwithstanding anything contained in sections 532 and 535 and sub-sections thereof, the council of any county may, by by-law, provide that where the words "rivers, lakes and ponds" are mentioned in those sections and sub-sections as applying to the erection and maintenance of bridges over such rivers, lakes and ponds, where such rivers, lakes and ponds cross any boundary line between two municipalities within such county, they or either of them shall not include or extend to any river, lake or pond less than eighty feet in width.

(a) In the event of the council of any county passing such by-law, then in such case the councils of the minor municipalities bordering upon such boundary line shall erect and maintain all bridges across streams of a less width than eighty feet over all such rivers, lakes and ponds crossing such boundary line.

Rev. Stat.  
c. 184, s. 545  
amended.

**29.** Section 545 of the said Act is amended by inserting after the word council," in the first line thereof, the words, "except the council of a city or town."

Rev. Stat. c.  
184, s. 550  
amended.

**30.** Section 550 of the said Act, is amended by adding the following sub-section thereto :—

Straighten-  
ing, etc.,  
streams dan-  
gerous to  
bridges, etc.

(2a) For straightening, deepening, widening, or diverting any river, creek or stream, for the purpose of preventing the flooding, undermining or carrying away of any land, or for preventing injury to any highway, bridge or other structure by the flow of the waters of any such river, creek or stream, subject to all the provisions of this Act respecting compensation for lands taken or injured, but nothing herein shall authorize the interference with any mill site or water privilege on any such river, creek or stream.

Rev. Stat. c.  
184, s. 555,  
amended.

**31.** Section 555 of the said Act is amended by adding thereto the following sub-section :—

(3)

- (3) Whenever a public street, square or drive forms the boundary between any two or more municipalities, (although such street, square or drive is wholly within the limits of one of such municipalities or partly in each), the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or more of the street services for which provision is made in this Act in sections 612 to 629, both inclusive, and every such council may pass by-laws for ascertaining, determining and raising so much of the cost of any such work, improvement or service as is to be borne by the municipality generally, and for determining the proportion thereof to be assessed and levied upon the real property benefited thereby, and for assessing and levying upon the real property so benefited and situate within its jurisdiction, and for collecting the proportion or share of the cost of any such improvement, work or service done under any such agreement by the municipality, in the same manner and with the like remedies as if the improvement had been made or work had been done or service had been rendered upon or in a street within the municipality and as if the cost thereof was assessable upon real property, the whole of which was situate in the same municipality.

Improvements on streets between two municipalities.

**32.** Section 580 of the said Act is amended by adding thereto the following: "and such council shall hold the Court of Revision provided for by sub-section 10 of section 569 of this Act."

Rev. Stat. c. 184, s. 580, amended.

**33.** Section 582 of the said Act is amended by adding thereto the following:—"But nothing in this Act shall be construed to give authority to such arbitrators to hold or act as or perform the work of a Court of Revision, as provided for by sub-section 10 of section 569."

Rev. Stat. c. 184, s. 582, amended.

**34.** Section 583 of the said Act is amended by inserting after the word "completed" in the first line the words "whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor."

Rev. Stat. c. 184, s. 583, amended.

**35.** Section 583 of the said Act is further amended by adding to sub-section 2 thereof the following articles:—

Rev. Stat. c. 184, s. 583, sub-s. 2, amended.

- (a) Provided, nevertheless, that any municipality, after receiving such notice, may within fourteen days thereafter apply to the Judge of the County Court of

Applications to set aside notice to

municipalities  
to make drain-  
age repairs.

of the county within which the municipality is situate to set aside the notice. Such application may be made upon four days' notice to the person or persons who gave the notice to the municipality, and the Judge shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm the notice or set it aside, as to him shall seem proper, or order that the said work shall be done wholly or in part, and the costs of and concerning the said motion shall be in the discretion of the Judge, except as hereinafter mentioned, and may be taxed upon the County or Division Court scale, as the Judge may direct.

Costs in cases  
of vexatious  
notices.

(b) Should the Judge find that the notice to the council was given maliciously, or vexatiously, or without any just cause, or to remove an obstruction which, under section 588 of *The Municipal Act*, it was the duty of the person giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the person giving such notice.

Costs to be a  
charge on the  
lands bene-  
fited.

(c) Any costs which the municipality may be called upon to pay, by reason of any proceedings in this amendment mentioned, shall be a charge upon the lands benefited, and may be levied and collected in the same way as the cost or expense of keeping the drain or ditch in repair are levied or collected.

Motions for  
mandamus.

(d) A mandamus against the municipality shall not be moved for until after the lapse of fourteen days from the date of service of the notice upon the municipality in any case, nor while the motion is pending before the County Court Judge, and thereafter only on an appeal in the next sub-section provided for.

Appeal.

(e) Any party to such proceedings may appeal to a Divisional Court of the High Court of Justice, from the decision or judgment of the Judge, upon the application, and the proceedings in and about such appeal shall be the same as nearly as may be as upon an appeal from the decision or judgment of a Judge of the County Court under chapter 47 of the Revised Statutes of Ontario, 1887.

Upon any such appeal the Court may determine whether a mandamus shall issue or otherwise, and may make such order as will do justice in the matter.

Nothing herein shall authorize an appeal upon the mere question of costs.

Rev. Stat. c.  
184, s. 586,  
sub-s. 1,  
amended.

**36.** Sub-section 1 of section 586 of the said Act is amended by inserting after the word "work" in the fifth line, the words "whether

"whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor."

**37.** Section 590 of the said Act is amended by inserting after the word "lands" in the eighth line thereof, the words "and, in the case of a municipality, whether the lands injured are the property of the municipality or not." Rev. Stat. c. 184, s. 590, amended.

**38.** Section 613 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 613, amended.

- (3) In case the council of such municipality is about to construct, renew or alter the character of a pavement upon any street or portion thereof as a local improvement, the council may, before laying down such new pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street line on each side of such drain or sewer, and may assess and levy the cost therein upon the particular property benefited thereby as part of the cost of said local improvement, pursuant to the provisions of section 612 of this Act. Construction of drains, etc., in connection with pavements laid down as local improvements.

**39.** Section 617 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 617, amended.

- (2) Real property adjoining and fronting upon any park, square, public drive or boulevard shall be specially assessable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally, and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park, square, drive or boulevard and the making of such special assessment. Assessment for boulevards etc.

**40.** Sub-section 1 of section 630 of the said Act is amended by inserting after the word "works," in the last line thereof, the words "or for the purchase of fire engines and other appliances." Rev. Stat. c. 184, s. 630, sub-s. 1, amended.

Rev. Stat. c.  
184, s. 634,  
sub-s. 1,  
amended.

**41.** Sub-section 1 of section 634 of the said Act is amended by adding thereto the following words, "or to which the equivalent sections of *The Railway Act* of Canada do now or may hereafter apply."

Aiding bridge  
companies.

**42.** The council of every county, township, city, town and incorporated village, may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between the municipality and another, and all the sub-sections of section 634 of *The Municipal Act* shall apply in the same manner, and with the same effect, as if the words "or bridge company" were inserted in sub-section 4, in the first line after the words "railway company," and the words "or bridge" were inserted after the word "railway," in the second line of the said sub-section.

51 V. c. 28, s.  
40, repealed.

**43.** Section 40 of *The Municipal Amendment Act, 1888*, is repealed and the following substituted therefor:—

Provisions as  
to schools  
when territory  
added to a  
municipality.

**40.** When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual arrangement between themselves after such annexation, appoint an arbitrator who with the senior County Judge of the county shall value and adjust in an equitable manner the rights and claims of all parties affected by such annexation and who shall determine by what municipality, or portion thereof, the same shall be adjusted, paid or settled, and the award of such arbitrators shall be final and conclusive, and the money found due, either by mutual arrangement or under the award, shall be deemed money for school purposes, and may be applied for under the provisions of sub-section 3 of section 40, and sub-section 5 of section 113 of *The Public Schools Act*, and the provisions of section 129 of the same Act shall apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be repayable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors as required by sub-section 2 of section 129 of the said Act, and upon the terms and conditions set forth in a by-law of the said municipality, anything in *The Public Schools Act* to the contrary notwithstanding.

Rev. Stat.,  
c. 225.

44.—(1) In case a county town has not a lock-up approved by the Inspector of Prisons, and the county gaol is used for the purposes of a lock-up, the municipal corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable amount for the use of the gaol as a lock-up, and for the expenses incurred thereby and in connection therewith, and in the event of any dispute arising as to the amount which should be paid to the county as aforesaid, the same shall be settled by arbitration as provided for under *The Municipal Act*.

Payment to be made to county when gaol used as a lock-up.

(2) This section shall not apply to cities or towns separated from counties for which provision is made by section 473 of *The Municipal Act*.

45. It shall not be necessary for the sheriff of York, the sheriff of Toronto, the Senior Judge of the County of York, the Junior Judge of said county, the warden of said county, and the mayor of the city of Toronto, to attend together upon the selection of jurors directed by this section; but the sheriff of the county of York, the Senior Judge of said county and the warden of said county shall attend at such selection of jurors so far as it is made from the lists prepared by the selectors for the local municipalities in the county of York, other than the city of Toronto; and the sheriff of Toronto, the Junior Judge of the said county, and the mayor of the city of Toronto shall attend at such selection of jurors so far as it is made from the list prepared by the selectors for the city of Toronto. And any selection of jurors so made shall be deemed in all respects valid and effectual and a sufficient compliance with the provisions of *The Jurors' Act*. Selectors whose attendance is hereby made unnecessary shall not be entitled to fees for such unnecessary attendance.

Selection of jurors for city of Toronto and county of York.

Rev. Stat. c. 52.

46.—(1) A Judge of the County Court shall have the same jurisdiction as a Judge of the High Court to try the right of a municipality in the county of such County Court Judge to a reeve or deputy reeve or reeves, or the validity of the election or appointment of mayor, warden, reeve, deputy reeve, alderman, or councillor in the said county; and the practice with respect to such trial, and to the proceedings incident thereto, shall be the same, as nearly as may be, as in the High Court for the time being.

Jurisdiction of County Judges with respect to municipal elections.

(2) The judgment of a County Court Judge under this section shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from the judgment of a Local Master or the Master in Chambers. The judgment of a Judge of the High Court on such an appeal shall be final.

(3)

(3) Any judgments which have heretofore been pronounced by a Judge of a County Court under the supposed authority of the 187th and subsequent sections of *The Municipal Act*, and have not been the subject of any proceeding in the High Court to set aside or question the same, are hereby confirmed.

Act to be read  
with Rev.  
Stat. c. 184.

47. This Act shall be read with and form part of *The Municipal Act*.

## CHAPTER 37.

An Act to amend the Acts respecting Municipal Institutions in the outlying Districts.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
185, s. 1, sub-s.  
1, amended.

1. Sub-section 1 of section 1 of Chapter 185 of the Revised Statutes of Ontario, 1887, is amended by adding after the word "Nipissing," in the second line thereof, the word "Manitoulin."

Rev. Stat. c.  
185, s. 1, sub-s.  
2, amended.

2. Sub-section 2 of section 1 of said Chapter 185, is amended by striking out the words, "the district of Rainy River," in the first and second lines of the said sub-section, and substituting therefor, the words, "any of the said districts."

Rev. Stat. c.  
185, s. 40,  
amended.

3. Section 40, of said Chapter 185, is amended by striking out the word "male" in the first line of sub-section 1 thereof, and by adding the following thereto as sub-section 4:

(4) This section shall not apply to married women or entitle them to vote.

Rev. Stat. c.  
185, s. 51  
repealed.

4. Section 51, of said Chapter 185, is repealed, and the following substituted therefor:—

Reeves to be  
justices of the  
peace.

"51. The reeves of the various municipalities shall be, *ex-officio*, Justices of the Peace of their respective municipalities, and shall have the like powers within their respective municipalities as are exercised by other Justices of the Peace in this Province."

Rev. Stat. c.  
185, s. 56,  
amended.

5. Section 56, of said Chapter 185, is amended by adding thereto the following sub-section:—

(4)

(4) At any time after the addition of any territory to any municipality or after the union of two or more adjacent municipalities, any such territory annexed or any township forming part of such union municipality having a population of not less than one hundred persons, may, subject to the approval of the Lieutenant-Governor in Council, withdraw from such union in accordance with and subject to the provisions contained in sub-section 2 of section 1 of this Act.

6. Subject to the provisions of section 76 of *The Assessment Act* appeals in respect to an assessment in Manitoulin, shall be to the Stipendiary Magistrate of Manitoulin.

Assessment  
appeals in  
Manitoulin.

## CHAPTER 38.

### An Act to amend the Free Libraries Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of *The Free Libraries Act* is amended by adding to sub-section 2 thereof, the following words :—

Rev. Stat. c.  
189, s. 2,  
amended.

“There may also be established evening classes for artisans, mechanics and workingmen, in such subjects as may promote a knowledge of the mechanical and manufacturing arts.”

2. All the powers vested in the board of management, and all the duties imposed upon the said board with respect to libraries, news-rooms and museums, shall be considered as applicable to the evening classes established under this Act, and in the event of the establishment of such classes the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they now possess with respect to other salaried officers.

Powers, etc.,  
of board of  
management  
with respect to  
evening  
classes.

3. Section 10 of *The Free Libraries Act* shall apply to Art Schools.

Application of  
Rev. Stat. c.  
189, s. 10.

4. Section 10 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat. c.  
189, s. 10,  
amended.

(3) In case any Art School transfers its property, real and personal, to the board of management of a free library as herein provided, it shall be lawful for the Lieutenant-Governor

in

in Council to give the like aid to such free library from the unappropriated moneys in the hands of the Treasurer of the Province, as such Art School would have received.

Penalty for disorderly behaviour.

5. Any person who wilfully interrupts or disquiets any free library established and conducted under the authority of the said Act, by rude or indecent behaviour, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, forfeit and pay for library purposes to the municipality within which the offence was committed, such sum not exceeding \$20, together with the costs of conviction, as the said Police Magistrate or Justice may think fit.

## CHAPTER 39.

### The Assessment Amendment Act, 1889.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 193, s. 52 amended.

1. Section 52 of *The Assessment Act* is amended by adding the following sub-sections thereto:—

(2) When there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 31st day of December, the council may notwithstanding adopt the assessment when finally revised, as the assessment on which the rate of taxation for the said following year shall be levied.

Assessment of localities added to cities and towns.

(3) Where an addition of any part of the localities adjacent to any city or town has been made to said city or town, in any year subsequent to the 30th day of September, under the provisions of section 22 of *The Municipal Act*, the council of said city or town may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality, as the basis of the assessment for said part for that year, although the assessment of the remainder of the city or town has been made, and the rate of taxation has been levied in accordance with the preceding provisions of this section; and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon; and the qualification of municipal voters in

in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken.

(4) Sub-sections 2 and 3 of this section shall have force and effect from the first day of January, 1889.

2. Sub-section 2 of section 53 of *The Assessment Act*, added thereto by section 5 of *The Assessment Amendment Act, 1888*, is amended by inserting the words "or notice" after the word "demand" in the tenth line of the said sub-section. Rev. Stat. c. 193, (51 V., c. 29, s. 5,) amended.

3. Section 53 of *The Assessment Act* is amended by adding thereto the following sub-section :— Rev. Stat. c. 193, s. 53, amended.

(3) The notice or demand mentioned in section 123 of this Act may be given or made by the collector at any time after the receipt of the collection roll, and may be acted upon at any time after the expiration of fourteen days from the giving of such notice or making such demand, or after the day appointed for payment by any by-law passed under this section, whichever shall last happen.

4. Sub-section 4 of section 79 of the said Act, is amended by repealing all the words after the word "county" in the fifteenth line thereof. Rev. Stat. c. 193, s. 79 (4) amended.

5. Sub-section 5 of section 79 of the said Act is amended by adding after the word "expenses," in the third line thereof, the following words:—"And the County Judge, sheriff, or registrar, shall also receive a reasonable sum, not to exceed \$10 each, per day." Rev. Stat. c. 193, s. 79 (5) amended.

6. Section 79 of the said Act is further amended by adding the following sub-section thereto :— Rev. Stat. c. 193, s. 79 amended.

(9) In the event of the assessment of any one or more municipalities being reduced or increased by the County Judge or the Court, directions shall be given by the said Judge or Court to the clerk of the county council, to increase or reduce the rate imposed by the by-law of the county council, so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide. Directions to clerk of county council after equalization of assessment roll.

7. County Court Judges shall be entitled to receive from the municipality as their expenses, for holding Courts in the various municipalities other than the county town, for the purpose of hearing appeals from the Court of Revision, under the provisions of *The Assessment Act*, the same sums as they are allowed for holding courts for revising voters' lists. Expenses of county judges on assessment appeals.

Rev. Stat. c.  
193, s. 124 (1),  
amended.

8. Sub-section 1 of section 124 of the said Act is amended by inserting in the first line thereof before the words "In case a person" the words "Subject to the provisions of section 53 of this Act."

Rev. Stat. c.  
193, s. 124 (2),  
amended.

9. Sub-section 2 of the said section 124 is amended by striking out the words "fourteen days mentioned in this section" in the fourth line and substituting the words "time for payment of the taxes;" by striking out the words "the fourteen days" in the seventh line and substituting the words "such time," and by striking out the words "fourteen days after demand or notice, as the case may be," in the twelfth and thirteenth lines and substituting the words "time for payment thereof."

This Act to be  
read with Rev.  
Stat. c. 193.

10. This Act shall be read with and form part of *The Assessment Act*.

## CHAPTER 40.

### The Franchise Assessment Act, 1889.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of cita-  
tion.

1. This Act may be cited as "*The Franchise Assessment Act, 1889.*"

Interpreta-  
tion.

2.—(1) In this section the words and expressions "Farm," "Son," "Sons," "Farmer's Son," "Father," "Election," "To Vote," shall respectively have the meaning given thereto by section 79 of *The Municipal Act*.

Rev. Stat. c.  
184.  
Farmers' sons

(2) Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following:

(a) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.

(b) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed in respect of the farm,  
as

as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother.

- (c) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the return of the roll by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.
- (d) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give a qualification so to vote.
- (e) If the amount at which the farm is so rated and assessed is not sufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.
- (f) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant.

**3.—(1)** Every assessor shall, in conformity and compliance with the provisions in that behalf of *The Manhood Suffrage Act*, enter on his roll every person entitled to be entered thereon under the said Act, and, in addition to the entries required to be made in that behalf in the roll by *The Assessment Amendment Act, 1888*, shall, opposite the name of every such person, in the column 8 mentioned in section 14 of *The Assessment Act*, enter

Entry of  
voters on roll.  
51 V. c. 4.  
51 V. c. 29.

- (a) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any) and the street or locality whereon or wherein the same is situate.
- (b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such person resides; and

and in all cases any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

Students at college, etc.

51 V. c. 4.

(2) No person shall be entitled to be marked or entered by the assessor in the assessment roll as a qualified voter under *The Manhood Suffrage Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote under said Act.

Disqualifications.

51 V. c. 4.

(3) No person shall be entitled to be entered or marked by the assessor in the assessment roll as qualified to vote under *The Manhood Suffrage Act*, who at the time of marking or entering is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poorhouse or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf.

Persons making affidavit under 51 V. c. 4 to be entered on roll.

(4) The assessor shall place on the assessment roll, as qualified to be a voter under *The Manhood Suffrage Act*, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended to the said Act, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor or Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit.

Enquiries by assessor.

51 V. c. 4.

(5) The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, and shall place such persons on the roll as qualified to be voters without the affidavit referred to in the next preceding sub-section.

Affidavit by assessor.  
Rev. Stat. c. 193.

(6) In addition to any other affidavit, oath, certificate or statement required or directed by *The Assessment Act* or any Act in amendment thereof the assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace in the words, or to the effect following:—

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I,

I,

I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there."

(7) Complaints of persons having been wrongfully entered on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments.

Complaints  
respecting list.  
51 V. c. 4.

(8) The provisions of this section shall, to all intents and for all purposes, be deemed and taken to have been in full force and effect on, from and after the first day of February, 1889.

Commence-  
ment of  
section.

4.—(1) Nothing in section 47 of *The Assessment Act* contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as a farmer's son, either under the provisions of said Act as amended by this Act or otherwise, but in any notice given or transmitted to any farmer under the provisions of said section the assessor shall enter and set forth the name of every person entered in said roll as a son of such farmer.

Assessor not  
required to  
give notice to  
farmers' sons.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon a farmer's son under any of the provisions of *The Assessment Act*, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the farmer whose son he is.

Service of  
notices on  
farmers' sons.

(3) In this section the expression "Farmer's Son" and the word "Farmer" shall have the same meaning as in section 2 of this Act.

Interpreta-  
tion.

5. Section 46 of *The Assessment Act*, as amended by *The Assessment Amendment Act, 1888*, is hereby repealed.

Rev. Stat. c.  
193, s. 46,  
repealed.

6. Section 51 of *The Assessment Act* is hereby repealed, and instead thereof the following shall be read as section 51 of the said Act:—

Rev. Stat. c.  
193, s. 51  
repealed

51.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable enquiries before assessing, entering or naming any such person in the assessment roll.

Assessor to  
make enquiry  
so as to pre-  
vent creation  
of false votes.

Persons entitled to be assessed to be entered on roll without request.

(2) Any person whomsoever entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a Court or a Judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for causing improper entries on roll.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in either or any such case to give to a person not entitled thereto either the right or an apparent right to be a voter; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in either case to deprive any person of his right to be a voter, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

"Voter," meaning of.

(4) The word "Voter" in this section shall have the meaning given thereto by *The Ontario Voters' Lists Act, 1889*.

Rev. Stat. c. 193, s. 50 amended.

7. Section 50 of *The Assessment Act* is hereby amended by omitting therefrom the words and figures "on or before the 1st day of May," and inserting instead thereof the words "on or before the thirtieth day of April."

Interpretation. "List of Voters."

8.—(1) In this Act, and in *The Assessment Act* as amended by this Act, the expression "List of Voters" shall mean the alphabetical list referred to in section 3 of *The Ontario Voters' Lists Act, 1889*.

"Assessment roll," "roll."

(2) In this Act, the expression "assessment roll" and the word "roll" shall mean an assessment roll within the meaning of *The Assessment Act*.

Rev. Stat. c. 193 and 51 V. c. 29 to be read with this Act.

9. This Act and *The Assessment Act* and *The Assessment Amendment Act, 1888*, as amended by this Act, shall be read and construed as one Act.

## CHAPTER 41.

## An Act to amend the Liquor License Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 3 of section 8 of *The Liquor License Act* is amended by adding thereto the following :—“But this proviso shall not apply to petitions or applications made in counties or cities in which the second part of *The Canada Temperance Act* having been in force has been repealed, such repeal taking effect after the said first day of May in any year.” Rev. Stat.  
c. 194, s. 8,  
sub-s. 3,  
amended.

2. Section 36 of the said Act is amended by inserting the following after the words “at one time” in the fourth line thereof, “to be wholly removed and not drunk upon the premises.” Rev. Stat.  
c. 194, s. 36,  
amended.

3. Sub-section 2 of section 45 of the said Act is amended by adding the following :—“But all sums imposed by the municipality in excess of the sum of \$200 mentioned in section 42 of this Act shall be divided equally between the Province and such municipality.” Rev. Stat., c.  
194, s. 45 (2),  
amended.

4. Section 58 of the said Act is amended by adding the following as sub-section 2b. Rev. Stat.  
c. 194, s. 58,  
amended.

2b. The purchaser of any intoxicating liquor from a person who is not licensed to sell the same, or any person who drinks upon the premises liquor so purchased, at the time of the purchase thereof, shall be guilty of an offence under this Act.

5. Sub-section 3 of the said section 58 is also amended by inserting the words “or 2b” after the words “sub-section 1” in the third line thereof. Rev. Stat.  
c. 194, s. 58  
(3), amended.

6. Section 74 of the said Act is amended by inserting the following after the word “house,” in the fourth line thereof: “or between any licensed shop and any store, shop, place or premises where groceries or other merchandise are sold.” Rev. Stat.  
c. 194, s. 74,  
amended.

7. Section 85 of the said Act is amended by inserting the following after the word “costs,” in the fifth line: “And in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed for a period not exceeding one month, and to be kept at hard labour in the discretion of the convicting Magistrate.” Rev. Stat.,  
c. 194, s. 85,  
amended.

Power to pass by-laws under Rev. Stat. c. 194, ss. 20, 32 and 42 pending repeal of C. T. Act.

8.—(1) In license districts where the second part of *The Canada Temperance Act* is in force it shall be lawful for the council of any city, town, village or township at any time after a petition to the Governor in Council, as required by the said Act and amendments thereto, praying for the revocation of the Order in Council passed for bringing the second part of the said Act into force, has been deposited with the sheriff or registrar of deeds of the county or city, to pass by-laws under sections 20, 32 and 42 of *The Liquor License Act*; and all by-laws so passed shall take effect upon, from and after the repeal of the said second part of *The Canada Temperance Act* in any such municipality, and shall remain in force as provided by the said sections; and no by-law already passed in any municipality under said sections 20, 32, and 42 of the said *Liquor License Act* or any of them subsequent to the deposit of the said petition with the said sheriff or registrar during the year 1889, shall be invalid by reason only of the same having been passed while the second part of *The Canada Temperance Act* was in force or after the dates mentioned in any of the said sections respectively.

(2) Nothing in this section contained shall be construed as in any way extending the powers of the said municipalities to pass by-laws under any of the said sections 20, 32 and 42 after the dates limited in the said sections respectively in any year subsequent to the year of the repeal of the said second part of *The Canada Temperance Act* in any of such municipalities.

## CHAPTER 42.

### An Act to amend the Public Health Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Stipendiary Magistrates appointed under Rev. Stat., c. 91, to be health officers.

1. Every Stipendiary Magistrate already appointed, or who may hereafter be appointed under the provisions of *The Unorganized Territory Act*, shall be ex-officio a Medical Health Officer in and for the district for which he has been, or shall be, appointed, and shall possess all the powers of such an officer under the provisions of *The Public Health Act*.

Appointment of sanitary inspectors.

2. The Provincial Board of Health may also, subject to the approval of the Lieutenant-Governor-in-Council, appoint in any of the unorganized districts one or more sanitary inspectors.

tors under *The Public Health Act*, who shall possess the powers conferred upon sanitary inspectors under *The Public Health Act*, and also all the powers conferred upon Local Boards of Health by section 14 of the said Act. Rev. Stat. c. 205.

3. All constables appointed for any Provisional Judicial, Temporary Judicial or Territorial District under *The Act respecting Constables*, chapter 82 of the Revised Statutes of Ontario 1887, shall be *ex-officio* sanitary inspectors with the same powers as sanitary inspectors appointed under this Act. Constables appointed for Provisional Judicial and other Districts to have powers of sanitary inspectors.

## CHAPTER 43.

### An Act to amend the Ontario Factories' Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Factories' Amendment Act, 1889.*" Short title.

2.—(1) In this Act the expression "principal Act" shall mean *The Ontario Factories' Act*. Interpretation. *Stat. c. 208, s. 2, amended.*

(2) In this Act, and in the principal Act as amended by this Act, the words and expressions "inspector," "employer," "week," "child," "young girl," and "woman," shall have the meaning given thereto by section 2 of the principal Act.

(3) In this Act the word "factory" shall have the meaning given thereto by the principal Act as amended by this Act.

3.—(1) Section 2 of the principal Act is hereby amended by inserting therein the word "workshop" immediately after the word "building," wherever said last-mentioned word occurs in said section. Rev. Stat. c. 208, s. 2, amended.

(2) Section 2 of the principal Act is hereby amended by omitting therefrom the words "provided that where not more than twenty persons are employed in any place coming within the foregoing definition of a factory," and inserting instead thereof the words "provided that where not more than five persons are employed in any place coming within the foregoing definition of a factory." Rev. Stat. c. 208, s. 2, amended.

(3) Schedule A to this Act shall, for all purposes whatsoever, be taken as substituted for the schedule to the principal Act, and shall be taken and read instead thereof. Schedule.

Mode of estimating persons employed.

(4) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto, and control thereof, lets or hires out or contracts for work or labour to be done therein by any other person, and such other person engages or employs therein any workman, child, young girl, or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, young girl, or woman shall, for all the purposes of this Act, and of the principal Act as amended by this Act, be considered and taken as being in the service and employment of said owner, tenant or occupier, and in computing the number of persons employed in any place in order to ascertain if such place comes within the definition of a factory according to the meaning and intent of the principal Act as amended by this Act, every such workman, child, young girl, or woman shall be taken into account.

Rev. Stat. c. 208, s. 6, amended.

4.—(1) Section 6 of the principal Act is hereby amended by omitting therefrom the word "child" wherever the same occurs in any line of said section between but not including the seventh and eighteenth lines thereof, and inserting instead thereof the word "boy."

(2) Section 6 of the principal Act is hereby further amended by omitting therefrom the words "and September" and inserting instead thereof the words "September and October."

(3) Section 6 of the principal Act is hereby further amended by inserting after the word "canning" wherever the same occurs in said section the words "or desiccating."

Rev. Stat. c. 208, s. 8, amended.

5.—(1) Section 8 of the principal Act is hereby amended by omitting therefrom the words "the Lieutenant-Governor in Council may make regulations under which it shall be lawful for the Inspector," and inserting instead thereof the words "subject to any regulations which may be made in that behalf by the Lieutenant-Governor in Council, it shall be lawful for the Inspector."

(2) Section 8 of the principal Act is hereby further amended by omitting therefrom the words "nor shall the time fixed by this Act for meals be diminished," and inserting instead thereof the words following:—"And that during the continuance of such exemption there shall, in addition to the hour for the noon-day meal provided for by section 6 of this Act, be allowed to every woman, young girl, or child so employed in the factory on any day to an hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon. Provided, moreover, that in every factory to, or with respect to, which any such permission for exemption is so given, there shall, in compliance

pliance with the provisions of section 29 of this Act, be affixed a notice specifying the extent and particulars of such exemption."

6. It is hereby declared that section 8 of the principal Act as amended by this Act, only authorizes overtime employment of children, young girls, or women to take place in any factory on thirty-six days in the whole in any twelve months; and that in reckoning such period of thirty-six days, every day on which any child, young girl, or woman has been employed overtime is to be taken into account.

Limit of over-  
time employ-  
ment.

7.—(1) Sub-section 1 of section 12 of the principal Act is hereby amended by inserting therein after the word "regulations," the words "if any."

Rev. Stat. c.  
208, s. 12,  
amended.

(2) Sub-section 2 of section 12 of the principal Act is hereby amended by omitting therefrom the words "approved of by the regulations made in that behalf," and inserting therein after the words "the Inspector may," the words "subject to such regulations, if any, as may be made in that behalf."

8. Section 21 of the principal Act is hereby repealed, and the following section is substituted therefor:

Rev. Stat. c.  
208, s. 21,  
repealed.

21.—(1) The provisions of this Act which relate

Certain pro-  
visions not to  
apply to pri-  
vate houses.

(a) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory; or

(b) To children, young girls and women being during any part of the times allowed for meals in a factory, employed in the factory or being allowed to remain in any room; or

(c) To the affixing of any notice or abstract in a factory, or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the Inspector; or

(d) To the sending notice of accidents;

shall not apply where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there.

(2) The provisions of this Act which relate

Certain pro-  
visions not to  
apply to fac-  
tories in which  
children or  
young girls are  
not employed.

(a) To children, young girls and women being during any part of the times allowed for meals in a factory, employed in the factory or being allowed to remain in any room; or

(b)

- (b) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the Inspector;

shall not apply to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the Inspector notice of his intention to conduct his factory upon that system.

Notice to be given if system of employment changed.

(3) Where an employer has served on an Inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it, and no changes shall be made until the employer has served on the Inspector notice of his intention to change the system, and until the change a child or young girl employed in a factory shall be deemed to be employed contrary to the provisions of this Act; a change in the said system shall not be made oftener than once in every three months, unless for special cause allowed in writing by the Inspector.

Rev. Stat. c. 208, s. 27, amended.

9. Section 27 of the principal Act is hereby amended by omitting therefrom the words "Commissioner of Public Works for Ontario," and inserting instead thereof the words "Minister of Agriculture."

Employment of women in factories for canning or desiccating fruit.

10.—(1) Notwithstanding anything contained in this Act, or the principal Act as amended by this Act, women may, during the months of July, August, September and October in any year, be employed to a later hour than nine o'clock in the afternoon of any day in any factory wherein the only work or operations carried on relate to and are exclusively such as may be necessary for the canning or desiccating of fruits or vegetables, and the preparation thereof for being so canned or desiccated; but no woman shall be so employed during the said months to a later hour than nine o'clock in the afternoon of any day for more than twenty days in the whole, and in reckoning such period of twenty days, every day on which any woman has been so employed to a later hour than nine o'clock in the afternoon is to be taken into account.

(2) Where under the provisions of this section, any woman is employed on any day to a later hour than seven o'clock in the afternoon, she shall, on every such day and in addition to the hour for the noonday meal provided for by section 6 of the principal Act, be allowed not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon.

Notice of name and address of Inspector.

11. Notwithstanding anything contained in this Act, or the principal Act as amended by this Act, a notice of the name and address of the Inspector shall, in compliance with such directions

directions as the Inspector shall give under the provisions of section 29 of the principal Act, be affixed in every factory.

**12.** On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question. Evidence of accused persons.

**13.** All rules, regulations and orders heretofore made by the Lieutenant-Governor in Council under or pursuant to the principal Act are hereby superseded, revoked and annulled. Rules superseded.

**14.** Unless, and until otherwise ordered or directed by any regulation in that behalf made by the Lieutenant-Governor in Council, Registers and notices.

- (a) The register mentioned in and required by section 28 of the principal Act shall, so far as the same relates to children and young girls, be according to form A in schedule B to this Act; and, so far as the same relates to women, be according to form B in the said schedule;
- (b) The register mentioned in and required by section 9 of the principal Act shall be according to form C in said schedule;
- (c) On the first page of any register kept by an employer, pursuant to the principal Act, or any rule, order or regulation made in that behalf by the Lieutenant-Governor in Council, shall be printed the form D in the said schedule, or one to the like effect; and the same shall be properly filled up and signed by the Inspector and the employer, when such register is commenced to be kept;
- (d) Notice of the hours between which children, young girls or women are to be employed in any factory, as required by section 10 of the principal Act, shall be according to form E in said schedule;
- (e) Notice to an Inspector, under sections 18 or 19 of the principal Act, may be in the form F of said schedule;
- (f) Notice to an Inspector, under section 21 of the principal Act, may be according to such of the forms G and H of said schedule as the case requires; and
- (g) Notice to an Inspector, under section 28 of the principal Act, may be in the form I of said schedule.

1889 Act. **15.** This Act, and the principal Act as amended by this Act, shall be read and construed as one Act. Rev. Stat. c. 208 and this Act to be read as one Act.

SCHEDULE

## SCHEDULE A.

*(Substituted for the Schedule to Principal Act.)*

Agricultural Implement Factories.  
 Augur Factories.  
 Axle and Spring Factories.  
 Baking Powder and Yeast Factories.  
 Barb Wire Factories.  
 Barrel Factories.  
 Bell Factories.  
 Billiard Table Factories.  
 Bird Cage Factories.  
 Biscuit Factories.  
 Blacking Factories.  
 Blanket Factories.  
 Boiler Factories.  
 Bolt and Nut Factories.  
 Book-binding Factories.  
 Boot and Shoe Factories.  
 Box Factories.  
 Brass Foundries.  
 Breweries.  
 Broom Factories.  
 Brush Factories.  
 Bustle and Hoopskirt Factories.  
 Button Factories.  
 Canning Factories.  
 Cap Factories.  
 Carpet Factories.  
 Carriage Factories.  
 Carriage Goods (iron) Factories.  
 Carriage Woodwork Factories.  
 Cartridge Factories.  
 Car Shops.  
 Cheese Box Factories.  
 Chemical Works.  
 Child's Carriage Factories.  
 Cider Factories.  
 Cigar Factories.  
 Cigar Box Factories.  
 Clay Pipe Factories.  
 Clock Factories.  
 Clothing Factories.  
 Coffin Factories.  
 Confectionery Factories.  
 Coopers' Workshops.  
 Cork Factories.  
 Corset Factories.  
 Corset and Hoopskirt Steel Factories.  
 Cotton Factories.  
 Distilleries.  
 Domestic Utensils Factories.  
 Dress Shield Factories.  
 Drop Forging Factories.  
 Dye Works.  
 Edge Tool Factories.  
 Electric Machinery Factories.  
 Electrotype Foundries.  
 Emery Wheel Factories.  
 Envelope Factories.  
 Extracts and Essential Oil Factories.  
 Felt Factories.  
 File Works.  
 Flax Mills.  
 Foundries.  
 Fringe and Tassel Factories.  
 Fruit Desiccating Factories.  
 Furniture Factories.  
 Furriers' Workshops.  
 Galvanized and Pressed Ironwork Factories.  
 Glass Works.  
 Glove Factories.  
 Glucose Factories.  
 Gun and Small Arm Factories.

Hair Cloth Factories.  
 Hames Factories.  
 Hammer Factories.  
 Hat Factories.  
 Hinge Factories.  
 Horn Comb Factories.  
 Hobby Horse Factories.  
 Hosiery Factories.  
 Iron Bridge Works.  
 Jams, Jellies and Pickle Works.  
 Jewellery Factories.  
 Kaoka Factories.  
 Knitting Factories.  
 Knitting Machine Factories.  
 Knitting Needle Factories.  
 Lace Factories.  
 Lamp Goods Factories.  
 Last Factories.  
 Laundries.  
 Laundry, Bluing and Washing Crystal Factories.  
 Lead Pipe and Shot Factories.  
 Linen, Cotton and Jute Bag Factories.  
 Lithographers' Workshops.  
 Lock Factories.  
 Locomotive Works.  
 Machine Shops.  
 Machine Screw Works.  
 Mantel Piece Factories.  
 Marble Works.  
 Match Factories.  
 Matting Factories.  
 Mattress Factories.  
 Metallic Shingle Factories.  
 Mill Furnishing Works.  
 Mirror Factories.  
 Nail Works.  
 Necktie Works.  
 Oil Mills.  
 Oil Refineries.  
 Organ Factories.  
 Organ Reeds Factories.  
 Ornamental Moulding Factories.  
 Paint Works.  
 Paper Bag Factories.  
 Paper Box Factories.  
 Paper Collar Factories.  
 Paper and Pulp Mills.  
 Paraffine Factories.  
 Patent Medicine Factories.  
 Piano Factories.  
 Piano and Organ Key-board Factories.  
 Picture Frame Works.  
 Pin Factories.  
 Planing Mills.  
 Plated Metal Works.  
 Potteries.  
 Printing Ink Factories.  
 Pulp Factories.  
 Rag-sorting workshops.  
 Rattan Goods Factories.  
 Reaper Knife Factories.  
 Rivet Works.  
 Rolling Mills.  
 Rope Works.  
 Rubber Factories.  
 Saddlery Hardware Factories.  
 Safe Works.  
 Salt Drying Works.  
 Sash and Door Factories.  
 Saw Factories.

Saw Mills.  
Scale Works.  
Sewer Pipe Factories.  
Sewing Machine Works.  
Shirt Factories.  
Shoddy Factories.  
Shovel Factories.  
Show Case Factories.  
Silk Factories.  
Skate Works.  
Soap Works.  
Soda Water Factories.  
Spice and Coffee Mills.  
Spool Factories.  
Stained Glass Factories.  
Starch Factories.  
Stave Factories.  
Stay Factories.  
Steel Wire Factories.  
Straw Works.  
Sugar Refineries.  
Suspender Factories.  
Syrup Factories.

Tanneries.  
Terra Cotta Works.  
Thread Spooling Factories.  
Tin Stamping Works.  
Tobacco Factories.  
Toy Factories.  
Trunk Factories.  
Tub and Pail Works.  
Type Foundries.  
Varnish Works.  
Velocipedes and Bicycle Factories.  
Vinegar Works.  
Waggon and Sleigh Factories.  
Wall Paper Factories.  
Watch Case Factories.  
Wax Paper Factories.  
Whip Factories.  
Window Shade Factories.  
Wire Goods Factories.  
Woodenware Factories.  
Wood Pulley Factories.  
Wood Screw Factories.  
Woollen Factories.

## SCHEDULE B.

*(Schedule of Forms referred to in Section 15.)*

### (FORM A.)

#### REGISTER OF CHILDREN AND YOUNG GIRLS EMPLOYED IN THIS FACTORY UNDER "THE ONTARIO FACTORIES' ACT."

No boy under twelve years of age, and no girl under fourteen years of age, can be employed in any factory. (Sub-sec. 1 of sec. 6).

The word "child" means a person under the age of fourteen years; the expression "Young Girl" means a girl of the age of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards; and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. (Sub-secs. 5, 6, 7 and 8 of sec. 2).

Columns 1, 2, 3, 4 and 5 to be filled up by the employer before a child or young girl is allowed to work.

1	2	3	4	5	6	7
Name of child or young girl.	Name of Parent or Guardian.	Residence of Parent or Guardian.	Date of first employment.	Nature of employment.	Age of child or young girl.	REMARKS. When a person ceases to be employed insert in this column opposite his or her name, "Left." When a young girl becomes a woman within the meaning of the Act, insert opposite her name the word "Woman."

(FORM B).

REGISTER OF WOMEN OF 18 YEARS OF AGE AND UPWARDS EMPLOYED IN THIS FACTORY.

Under "The Ontario Factories' Act," the word "Child" means a person under the age of fourteen years; the expression "Young Girl" means a girl of the age of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards, and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. (Sub-secs. 5, 6, 7 and 8 of sec. 2.)

1	2	3	4	5
Name.	Residence.	Date of first employment.	Nature of Employment.	REMARKS. When a woman ceases to be employed insert in this column, opposite her name, "Left."

(FORM C.)

REGISTER OF THE CHILDREN, YOUNG GIRLS, AND WOMEN EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER PERIOD THAN IS ALLOWED BY "THE ONTARIO FACTORIES' ACT." (See Sections 8 and 9.)

Dates when employed for a longer period etc.			Name of child, young girl or woman so employed.	Time of the day when employment begun.	Time of the day when employment ended.	Total of hours employed during day.	Nature of employment.
Month.	Days.	Year.					

(FORM D.)

"THE ONTARIO FACTORIES' ACT."

FACTORY TO WHICH THIS REGISTER APPLIES.

1. { Name (if any) of factory  
Situat<sup>e</sup> in  
Post Office to which letters for this  
factory are to be directed
2. Nature of work carried on
3. Nature and amount of moving power—  
(a) Steam-engine of about indicated  
horse-power, of which horse  
power is employed in this factory.  
(b) Water wheel of about indicated  
horse-power, of which horse  
power is employed in this factory.
4. Clock
5. Name of the occupier and employer

.....  
(Signature of occupier or agent.

TO THE OCCUPIER AND EMPLOYER IN THIS  
FACTORY.

I hereby give you notice that the clock  
named under heading No. 4 on this page, is  
the clock by which the hours of employment  
and times allowed for meals in this factory  
are to be regulated.

Dated this                      day of

.....  
Inspector.

(FORM E.)

"THE ONTARIO FACTORIES' ACT."

NOTICE.

It shall not be lawful for a child, young girl or woman to be employed for more than ten  
hours in one day, nor more than for sixty hours in any one week, unless a different apportion-  
ment of the hours of labour per day has been made for the sole purpose of giving a shorter day's  
work on Saturday. (Sub-sec. 3 of sec. 6).

In every factory the employer shall allow each child and each young girl and woman therein  
employed not less than one hour at noon of each day for meals, but such hour shall not be  
counted as part of the time herein limited as respects the employment of children, young girls  
and women. (Sub-sec. 4 of sec. 6).

Notice of the hours between which children, young girls or women are to be employed, shall  
be made in such form as shall be required by the regulations made in that behalf by the Lieut-  
enant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall  
be hung up during the period affected by such notice, in such conspicuous place or places in the  
factory as the Inspector requires. (Sec. 10).

In accordance with the foregoing provisions of "The Ontario Factories' Act," it is hereby  
notified to all concerned that the hours between which children, young girls and women are to be  
employed in this Factory are as follows:—

	FORENOON.		AFTERNOON.		Total hours each day.
	Commence at	Stop at	Commence at	Stop at	
Monday .....					
Tuesday .....					
Wednesday .....					
Thursday .....					
Friday .....					
Saturday .....					

Total of hours for the week.....

Dated this.....day of.....

(Signature of Employer or Agent.).....

(Inspector's Signature.).....

(FORM

## (FORM F.)

## "THE ONTARIO FACTORIES' ACT."

To.....  
*Factories' Inspector.*

You are hereby notified pursuant to sections 18 and 19 of "The Ontario Factories' Act," of the happening of an accident in the Factory hereunder mentioned, whereof the following are particulars:—

1. Name of person injured.
2. Factory in which injury happened.
3. Date of injury.
4. Age of person injured.
5. Residing on ..... street in the ..... of
6. Cause of injury.
7. Extent of injury.
8. Where injured person sent.
9. Remarks.

Dated this ..... day of

(Signature of Employer or Agent.).....

## (FORM G.)

## "THE ONTARIO FACTORIES' ACT."

To.....  
*Factories' Inspector.*

Whereas by "The Ontario Factories' Act" it is in effect enacted, that a Factory shall not, within the meaning of the Act, be deemed to be conducted on the system of not employing therein either children or young girls until the Occupier has served on an Inspector notice of his intention to conduct his Factory on that system:

I hereby give notice that it is intended to conduct the Factory situated at  
 in which is carried on the work following:

and of which  
 is the occupier, upon the system of not employing therein either children or young girls.

Dated this ..... day of

.....  
 (Occupier or Agent.)

## (FORM H.)

## "THE ONTARIO FACTORIES' ACT."

To.....  
*Factories' Inspector.*

It is intended after the date hereof, to discontinue to conduct the Factory situated at  
 of which  
 is the occupier, upon the system of not employing therein either children or young girls, within the meaning of "The Ontario Factories' Act."

Dated this ..... day of

.....  
 (Occupier or Agent.)

(FORM

(FORM I.)

“THE ONTARIO FACTORIES' ACT.”

To.....  
*Factories' Inspector.*

Pursuant to section 28 of “The Ontario Factories' Act,” I hereby give notice that I have begun to occupy a Factory as undermentioned :

Name under which the business is carried on .....

Name of the Factory.....

Locality of the Factory.....

Address to which letters are to be addressed .....

Nature of the work .....

Nature and amount of moving power.....

Dated this                      day of

.....  
(Occupier or Agent.)

CHAPTER 44.

An Act to amend the Ontario Shops' Regulation Act, 1888.

[Assented to 23rd March, 1889.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) This Act may be cited and known as “*The Ontario Shops' Regulation Amendment Act, 1889.*” Short title.

(2) In this Act the expression “principal Act” shall mean Interpreta-  
*The Ontario Shops' Regulation Act, 1888.* tion.

2. Sub-section 1 of section 2 of the principal Act is hereby repealed, and instead thereof the following is to be substituted and read as sub-section 1 of said section : 51 V. c. 33, s.  
2, sub-sec. 1,  
repealed.

(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say : Interpreta-

“Shop” means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail ; but not where the only trade or business carried on is that of a tobacconist, news-

news-agent, hotel, inn, tavern, victualling house or refreshment house, nor any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

“Closed” means not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

“Unincorporated village” shall mean any unincorporated village or settlement lying wholly within the limits of a township, and which, by by-law, the council of the township in which the same is situate shall, under a name and with boundaries to be declared and defined in and by such by-law, set apart from the remaining portion of the township in which the same is situate, for the purposes of this Act, and with the intent that such unincorporated village or settlement may be brought under the operation hereof.

“Local council” means the municipal council of a city, town or incorporated village, or the municipal council of any township within which is situate any unincorporated village, as the case may be.

“Municipality” means the city, town or incorporated village, the municipal council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section; and also means any unincorporated village situate within any township, the municipal council of which township, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section.

V. c. 33, s.  
2, sub-s. 11,  
amended.

3. Sub-section 11 of section 2 of the principal Act is hereby amended by inserting therein, after the word “death” where it occurs in said sub-section, the words following: “Or for supplying or selling any article to any person for use on, or in, or about, or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which said premises are situate, or for use by or with respect to any person employed or engaged on, or being a passenger on or by any such steamboat or sailing vessel.”

51 V. c. 33, s.  
2, sub-s. 2  
repealed.

4. Sub-section 2 of section 2 of the principal Act is hereby repealed, and instead thereof there is substituted the sub-section following:—

(2)

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

5. Section 2 of the principal Act is hereby amended by adding thereto the following sub-sections : 51 V. c. 33, s. 2, amended.

(15) The municipal council of every township shall, with respect to any portion of such township which, by by-law, such council has set apart as an unincorporated village under the provisions of this Act, have all the rights and powers conferred by this Act on the council of any city, town or incorporated village, and may under this Act pass by-laws which shall apply exclusively and only to that portion of the township so set apart as an unincorporated village. Powers of township councils.

(16) A by-law passed under this section for the closing of all or any class or classes of shops within an unincorporated village may as to any or all of its terms and provisions differ from any other by-law passed by the same local council for the closing of all or any class or classes of shops in any other unincorporated village within the same township. Local councils may pass by-laws containing different provisions for different localities.

(17) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed, or purporting to be passed, under or pursuant to the provisions of sub-section 3 of this section may not have presented an application, as required by said sub-section, for the passing of such by-law, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the requisite number of occupiers of said last mentioned class of shops. By-law invalid as to one class may be good as to others.

(18) The onus of proving that an application in compliance with sub-section 3 of this section had not been presented to a local council by the requisite number of the occupiers of any class of shops required to be closed by a by-law passed or purporting to be passed under or pursuant to the provisions of said sub-section shall, in all cases and for all purposes, be upon the person asserting that such application had not been so presented. Burden of proof.

6. This Act and the principal Act shall be read and construed as one Act, and as if the amendments hereby made in the principal Act had always formed part thereof, and all by-laws heretofore passed by any local council shall be read and construed accordingly. 51 V. c. 33 and this Act to be read as one Act.

## CHAPTER 45.

## An Act respecting Steam Threshing Machines.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Engines to be  
furnished with  
spark ar-  
resters.

1. It shall be the duty of every manufacturer of steam threshing engines, to provide each engine with an efficient spark arrester before selling or disposing of the same, and no person shall use or run any steam threshing engine unless it is provided with such spark arrester, and it shall be the duty of the owner or other person using or running the engine to keep the spark arrester at all times when the engine is in use in proper working order.

Penalty.

2. Every manufacturer who sells or disposes of any steam threshing engine without an efficient spark arrester shall on summary conviction before a Justice of the Peace having jurisdiction in the municipality where the offence was committed, be subject to a fine of not less than \$5 or more than \$20, together with costs of prosecution for each engine so sold or disposed of as aforesaid; and any person using or running any steam threshing engine not provided with such spark arrester, or wilfully using or running any steam threshing machine not having such spark arrester in proper working order shall, on conviction as aforesaid, be subject to a like fine for every day he so uses such steam threshing machine, which fine and costs may in each case be recovered by distress; and in default of payment of such fine and costs or of sufficient distress, the offender may be imprisoned in the common gaol for a period not exceeding thirty days.

Application of  
penalty.

3. One half the fine when recovered shall belong to the informer and the other half to the treasurer of the municipality where the offence is tried.

## CHAPTER 46.

An Act to authorize the appointment of Fire Guardians, and for the better prevention of bush fires.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The council of a township municipality may, on the petition of one-third of the ratepayers of the municipality, at its first meeting in any year hereafter, or at a special meeting to be called for the purpose, within two months after the passing of this Act, appoint by by-law not less than two resident freeholders for each polling sub-division within the municipality to carry out the provisions of this Act.

Appointment of fire guardians.

(2) The persons so appointed shall be called and known as "fire guardians," and shall hold office until the first meeting of a new council elected after their appointment, and until their successors are appointed.

2. No person shall, after the passing of a by-law appointing fire guardians under this Act, in any township, set out or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the same would be likely to spread, between the first day of July and the first day of October in any year, without having first obtained leave in writing from one of the fire guardians.

Leave to be obtained before setting out fires.

3. The obtaining of such leave or permission in writing of the proper fire guardian shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extension of, or in mitigation of damages; but the absence of such leave or permission shall, in such an action, be deemed *prima facie* evidence of negligence.

Leave not to be relied on in actions for negligence.

4. It shall be the duty of a fire guardian appointed as aforesaid, on being requested to grant leave and permission to set out fire, to examine the place at which it is intended to set out the fire and the adjoining lands, and the timber trees and other property thereon, and to refuse such request, and decline to grant leave and permission if, in his opinion, it would not be safe by reason of the danger of fire spreading therefrom or otherwise.

Inspection by fire guardian before granting leave.

5. The council of any township municipality may, in and by the by-law, make provisions for the payment to the fire guardian for his services, and fix the penalty to be imposed upon

Matters to be provided for in the by-law.

upon fire guardians and others refusing to perform or neglecting their duties under this Act or the by-law, or contravening any provision thereof.

Penalty.

6. Any person setting out fire as aforesaid without leave and permission as aforesaid, shall be subject to a penalty not exceeding \$100 for each offence, which penalty may be imposed and recovered on information of any resident rate-payer in the municipality before a Police Magistrate or two Justices of the Peace sitting together, and in default of payment of the fine or penalty and costs, the offender shall be liable to be committed to the common gaol of the county with hard labour, for any period not exceeding six months, unless the fine or penalty and the costs of enforcing the same be sooner paid.

Application of  
penalty.

7. The plaintiff or complainant shall be entitled to one moiety of the penalty, and the other moiety shall be paid over to the treasurer of the municipality.

Application of  
Act.

8. This Act shall not apply to any portion of the Province which under chapter 213 of the Revised Statutes of Ontario, 1887, may have been declared a fire district.

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## CHAPTER 47.

An Act to amend the Act to prevent the spread of Contagious Diseases among Horses and other Domestic Animals.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
216, s. 8,  
amended.

1. Section 8 of *The Act to prevent the spread of Contagious Diseases among Horses and other Domestic Animals*, is amended by adding thereto the following sub-section:—

(3) The council of any municipality may indemnify the owner of any animal killed or destroyed under the provisions of this Act for the loss sustained by such owner.

## CHAPTER 48.

## An Act to amend the Line Fences Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Line Fences Act* is amended by adding the following subsection thereto: Rev. Stat.  
c. 219, s. 11  
amended.

(2) The municipality may at the expiration of the time for appeal, or after appeal, as the case may be, pay to the fence viewers their fees, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same place the amount upon the collector's roll as a charge against the person awarded or adjudged to pay the same, and the same shall thereafter be placed upon the collector's roll and may be collected as ordinary municipal taxes.

## CHAPTER 49.

## The Ditches and Watercourses Amendment Act, 1889.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Ditches and Watercourses Act* is amended by striking out the words "time and" in the ninth line;" by striking out the words "six nor more than twelve clear days from the time of filing the same" in the tenth and eleventh lines and substituting therefor the words "ten nor more than sixteen clear days from the day on which he received a copy of said requisition;" and by striking out the word "therein" in the twelfth line of the said section. Rev. Stat.,  
c. 220, s. 6,  
amended.

2.—(1) Sub-section 1 of section 8 of the said Act is amended by striking out all the words down to the word "shall" in the fourth line, and by substituting therefor the words "The clerk shall, after receiving the requisition, forthwith notify the engineer by registered letter, enclosing a copy of the requisition; and, on receipt of the same, the engineer shall notify the

Rev. Stat.,  
c. 220, s. 8,  
sub-s. 1,  
amended.

the clerk, in writing, naming a time at which he will attend; and, on receipt of this notice, the clerk shall file the same with the requisition, and shall forthwith send a copy of the notice of the engineer by registered letter to the owner making the requisition, and the engineer shall attend at the time named in said notice."

Rev. Stat.,  
c. 220, Form  
C amended.

(2) Form C of the said Act is amended by striking out all the words after the word "each" in the tenth line and substituting therefor the words "I request that the engineer appointed by the municipality be asked to appoint a day on which he will attend at the locality of the said proposed ditch or drain, and examine the premises, hear the parties and their witnesses and make his award under the provisions of *The Ditches and Watercourses Act*."

Rev. Stat., c.  
220, s. 15,  
amended.

3. Section 15 of the said Act is amended by adding thereto the following sub-section:—

(2) The engineer may let the work, by the award directed to be done, a second time or oftener if it becomes necessary in order to secure its performance and completion.

Rev. Stat., c.  
220, s. 18,  
amended.

4. Section 18 of the said Act is amended by adding thereto the following sub-section:—

(2) To remove doubts and to prevent delays and avoid expense it is declared that no action, suit or proceeding shall lie or be had for a mandamus or other order of the High Court to enforce or compel the performance or completion of the work by the award or certificate of the engineer apportioned or directed to be done against the person by the award or certificate directed to do the work, but the performance of the work shall be secured and the payment therefor enforced and collected in the manner provided for by this Act. This section shall not apply to or affect pending suits, actions or proceedings.

When drains  
or ditches do  
not carry off  
the water  
originally in-  
tended, award  
may be recon-  
sidered.

5.—(1) In any case where a drain or ditch has been made and constructed, or where a creek or watercourse has been deepened, widened or extended, or where an under-drain has been made under the provisions of *The Ditches and Watercourses Act* or any previous Act respecting ditches and watercourses, or may hereafter be so made and constructed, and when any such drain, ditch or under-drain, creek or watercourse does not carry off the water it was originally designed to carry off, any one of the owners interested in the original construction of such ditch, drain or under-drain, or in the deepening, widening or extending of any such creek or watercourse, or who may have acquired the ownership of the lands, the owner of which at the time of the making and construction of such works was liable for the cost of the same, may take proceedings for the reconsideration of the award or agreement as the case may be, and in order to do so, such owner shall take the same proceedings

ings and in the same form and manner as is done in respect to the original opening and making of such aforementioned work, except as hereinafter provided.

(2) Before any of the aforesaid proceedings are taken, such owner shall upon notice in writing to all parties interested make an application to the council of the municipality in which the lands are situate; upon hearing the complaint of said owner, the council, if satisfied that such owner has reasonable grounds for complaint, may order the engineer to make an examination of such ditch, drain, under-drain, creek or watercourse, and to make a report to the head of the council, not later than thirty days from such meeting of council.

Council may obtain report from engineer.

(3) If the report of the engineer certifies that the complaint is well founded the applicant may go on and take proceedings, as provided in sub-section 1 of this section, and the costs incurred shall be apportioned under the award; if the engineer reports that there is no cause of complaint, then the applicant shall pay the whole cost incurred, and if not forthwith paid by him, it shall be entered in the collector's roll in accordance with sections 14 and 18 of *The Ditches and Watercourses Act*.

If report is favourable applicant may proceed.

Costs

(4) No proceedings shall be taken under the provisions of this section before the expiration of three years after the completion of such work in the first instance.

When proceedings may be taken.

6. In order to remove all doubts as to the maintaining and keeping in repair of any ditch or drain, whether covered or open, or of any creek or watercourse that has been deepened or widened, under the provisions of *The Ditches and Watercourses Act* before the year 1883, it is hereby declared that the cost of maintaining and keeping in repair any such ditch or drain, whether covered or open, or of any such creek or watercourse shall be borne by the respective owners, in such proportion as is provided in the original or any amending award; and the manner of enforcing such repairing and maintaining shall be as set forth in sub-sections 4, 5, 6, 7, 8 and 9, of section 4 of *The Ditches and Watercourses Act*.

Costs of maintenance and repairs.

7. In all cases when in this Act any particular number of days expressed to be "clear days" is prescribed the same shall be exclusive of both the first and last day.

"Clear days," meaning of.

8. This Act shall be read with and form part of *The Act respecting Ditches and Watercourses*.

This Act to be read with Rev. Stat. c. 220.

## CHAPTER 50.

## An Act for the Protection of Insectivorous and other Birds.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat., c.  
221, not  
affected.

Cage birds  
and poultry.

Birds that  
may be  
killed.

Rev. Stat.,  
c. 221.

Trapping and  
selling for-  
bidden.

Nests, young  
or eggs, not to  
be taken.

**1.** Nothing in this Act contained shall be held to affect *The Act for the Protection of Game and Fur-bearing Animals*, or to apply to any imported cage birds or other domesticated bird or birds, generally known as cage birds, or to any bird or birds generally known as poultry.

**2**—(1) Except as in section 6 of this Act provided, it shall not be lawful to shoot, destroy, wound, catch, net, snare, poison, drug, or otherwise kill or injure, or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug, or otherwise kill or injure, any wild native birds other than hawks, crows, blackbirds and English sparrows, and the birds specially mentioned in *The Act for the Protection of Game and Fur-bearing Animals*.

(2) Any person may, during the fruit season, for the purpose of protecting his fruit from the attacks of such birds, shoot or destroy, on his own premises, the bird known as the robin without being liable to any penalty under this Act.

**3.** Except as in section 6 of this Act provided, it shall not be lawful to take, capture, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted or to set wholly or in part any net, trap, springe, snare, cage, or other machine or engine, by which any bird whatsoever, save and except hawks, crows, blackbirds, and English sparrows, might be killed, and captured; and any net, trap, springe, snare, cage, or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds save and except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without such person incurring any liability therefor.

**4.** Save as in section 6 of this Act provided, it shall not be lawful to take, injure, destroy, or have in possession any nest, young, or egg of any bird whatsoever, except of hawks, crows, blackbirds, and English sparrows.

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive, to be liberated; and it shall be the duty of all market clerks and policemen or constables on the spot to seize and confiscate, and if alive, to liberate such birds. Power to seize birds unlawfully possessed.

6. The Minister of Agriculture or his Deputy may, on receiving from any ornithologist, or student of ornithology, or biologist, or student of biology, an application and recommendation, in the forms set out in schedules A and B hereto, grant to such applicant a permit in the form set out in schedule C hereto, empowering the holder to collect, and to purchase, or exchange all birds or eggs, otherwise protected by this Act, at any time or season he may require the same for the purpose of study, without the liability to penalties imposed by this Act. Permit may be granted by Minister of Agriculture or his Deputy to ornithologists, etc.

7. The permits granted under the last preceding section shall continue in force until the end of the calendar year in which they are issued, and may be renewed at the option of the Minister of Agriculture or his Deputy. Duration of permit.

8.—(1) The violation of any provision of this Act shall subject the offender to the payment of not less than \$1 and not more than \$20 with costs, on summary conviction, on information or complaint before one or more Justices of the Peace. Penalties.

(2) The whole of the fine shall be paid to the prosecutor, unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases. Application of fines.

(3) In default of payment of the fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two and not more than twenty days at the discretion of the Justice. Imprisonment.

9. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act so long as no substantial injustice results therefrom. Convictions not invalidated by want of form.

10. *The Act for the Protection of Insectivorous and other Birds beneficial to Agriculture* and all other Acts or parts of Acts inconsistent with the provisions of this Act are repealed. Rev. Stat. c. 222, etc., repealed.

## SCHEDULE "A."

(Section 6.)

## FORM OF APPLICATION.

I, \_\_\_\_\_ of \_\_\_\_\_ hereby apply for a permit granting to me the right to collect birds, and their nests and eggs, for strictly scientific purposes only, in accordance with the Act of the Legislature of Ontario, passed in the Fifty-second year of Her Majesty's Reign, chaptered \_\_\_\_\_ intitled "*An Act for the Protection of Insectivorous and other Birds.*"

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18

A. B.

To

Applicant.

The Minister of Agriculture,  
Toronto.

## SCHEDULE "B."

(Section 6.)

## FORM OF RECOMMENDATION.

18

We, the undersigned, personally know \_\_\_\_\_ and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting wild birds, and their nests and eggs in accordance with the Act of the Legislature of Ontario, passed in the Fifty-second year of Her Majesty's Reign, chaptered \_\_\_\_\_ intitled "*An Act for the Protection of Insectivorous and other Birds,*" which Act we have carefully examined and fully comprehended.

A. B.  
(Address.)

## SCHEDULE "C."

## FORM OF CERTIFICATE.

(Section 6.)

Mr. \_\_\_\_\_ of the \_\_\_\_\_ in the County of \_\_\_\_\_ in the Province of Ontario, is hereby authorized to collect birds, and their nests and eggs, for strictly scientific purposes only, in accordance with the Act of the Legislature of Ontario, passed in the Fifty-second year of Her Majesty's Reign, chaptered \_\_\_\_\_ intitled "*An Act for the Protection of Insectivorous and other Birds.*"

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18

Minister of Agriculture.

## CHAPTER 51.

## An Act to amend the Public Schools Act.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 3 of section 86 of the *Public Schools Act* Rev. Stat. c. 225, s. 86, sub-s. 3, amended.

2. Sub-section 4 of the said section 86 is amended by inserting after the word "union" in the third line the words "alteration or dissolution," and also by adding thereto the following words "and shall at the same time value and adjust in an equitable manner all rights and claims consequent upon the formation, alteration or dissolution of such union between the respective municipalities and school sections concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be settled, and the sum or sums of money to be paid by one portion of the municipalities or school sections concerned to the union school so formed, altered or dissolved, and the disposition of the property of the union and any payment by one portion to the other, and such valuation, adjustment and determination shall form and be considered as an integral portion of their report, and such report shall be taken as the award of the said arbitrators, and shall be binding on the municipalities and school sections concerned, subject to the provisions of this Act." Rev. Stat. c. 225, s. 86, sub-s. 4, amended.

3. Sub-sections 5 and 8 including sub-section (a) and sub-section 9 of the said section 86 are repealed. Rev. Stat. c. 225, s. 86, sub-ss. 5, 8 & 9 repealed.

4. Sub-section 7 of the said section 86 is amended by inserting after the word "union" in the first line, the words "alteration or dissolution" and by striking out the words "the passing of the by-laws respectively" and inserting the words "the award of the arbitrators is filed with the clerks of the municipalities concerned." Rev. Stat. c. 225, s. 86, sub-s. 7, amended.

5. Section 87 of the said Act is amended by substituting for the word "passing" in the fourth line, the word "making," and by striking out of the fifth line the words "by-law passed by the municipalities," and inserting in lieu thereof the words "award made by arbitrators." Rev. Stat. c. 225, s. 87, amended.

Rev. Stat. c.  
225, s. 88,  
amended.

6. Section 88 of the said Act is amended by substituting for the word "passing" in the fourth line, the word "making," and by striking out of the fifth line the words "by-law passed by the municipalities," and inserting in lieu thereof the words "award made by arbitrators," and by striking out the word "by-law" in the ninth line and inserting the word "award," and by striking out the words "no by-law was passed" and inserting the words "no award was made."

Act to form  
part of Rev  
Stat. c. 225  
ss. 86-88.

7. This Act shall be construed and read as if it formed part of sections 86, 87 and 88 of *The Public Schools Act*, and shall take effect as if contained therein at the time of the passing thereof; but nothing herein contained shall be deemed to invalidate any by-laws heretofore passed for the formation, alteration or dissolution of union school sections.

## CHAPTER 52.

An Act to amend the Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.

[Assented to 23rd March, 1889.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
280, s. 6,  
amended.

1. Section 6 of chapter 230 of the Revised Statutes of Ontario, 1887, intituled "*An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges*," is amended by adding to sub-section 2 thereof, the following words:—

"Provided always that in the event of notice being given to the Provincial Secretary by the authorities empowered to act in that behalf, that Victoria University has decided to suspend its power of conferring degrees (excepting degrees in theology) and notwithstanding the issue of any proclamation declaring Victoria University federated with the University of Toronto, said Victoria University may continue to confer such degrees as it is now authorized to confer until the first day of July, 1891, and after the said first day of July, or earlier date, as the case may be, unless removed to Toronto at an earlier date, the power to confer degrees (excepting degrees in theology) shall be suspended or remain in abeyance subject to the provisions of the next succeeding sub-section."

2. The following sub-section shall be read as sub section 4 of said section 6: Rev. Stat. c. 230, s. 6, amended.

(4) At the first election of representatives to the Senate of the University of Toronto held after the suspension of the power to confer degrees (excepting degrees in theology) takes effect, the number of graduates in Arts entered on the register of the University of Toronto and of Victoria University respectively shall be taken as the basis of the second election to the said Senate, referred to in sub-section 3 of section 11 of this Act.

3. Section 15 of the said Act is amended by adding to sub-section 1 the following words:—"In case only one candidate is nominated within the time herein mentioned for receiving nomination papers for the office of Chancellor, or in case no more than the number of representatives which the graduates are entitled to elect as provided in section 11, are nominated as aforesaid, the Registrar shall forthwith notify the Vice-Chancellor who shall report to the Senate as required in section 22 of this Act." Rev. Stat. c. 230, s. 15, sub-s. 1, amended.

4. Section 25 of the said Act is repealed, and the following substituted in lieu thereof:— Rev. Stat. c. 230, s. 25, repealed.

25. On this Act taking effect, as provided in section 89, the term of all elected and appointed members of the Senate of the University of Toronto then in office, shall continue until the time provided in section 15, for elections to the Senate, and all members then and thereafter elected or appointed shall continue in office for three years, save and except such as may be elected or appointed to fill vacancies caused by death or resignation. Term of office of members of Senate.

5. Section 33 of the said Act is amended by adding thereto the following words:—"Provided always that the Chancellor may at any meeting of the Senate waive his right to preside in favour of the Vice-Chancellor or such other person as may have been chosen by the members present to act as Chairman." Rev. Stat. c. 230, s. 33, amended.

## CHAPTER 53.

An Act validating a certain agreement between the University of Toronto and the Corporation of the City of Toronto.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS certain matters in dispute arising out of the lease dated first January, 1859, between David Buchan, the then bursar of the University and Colleges of Toronto, and the corporation of the city of Toronto, have been arranged upon the terms and in the manner fully set out in the agreement hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed.

1. Subject to the other provisions of this Act the agreement dated the second day of March, A.D. 1889, purporting to be made between Her Majesty the Queen, represented for the purposes of the said agreement by John Edward Berkeley Smith, the bursar of the University and Colleges at Toronto, in his official character as such, of the first part, and the corporation of the city of Toronto, of the second part, and set forth in the schedule hereto, is hereby confirmed; and the corporation of the city of Toronto is declared to have, and to have had, all the powers necessary to enable it to make the said agreement and to carry out the provisions thereof.

Right of access to avenues by owners of adjacent property not affected.

2. Notwithstanding the dedication of the avenues in the said agreement referred to, the owners of property adjacent to the said avenues are not by reason of the said dedication or of this Act to acquire any right of ingress or egress to or from the said avenues from and to their said adjacent properties other than such adjacent property owners may have possessed before the said agreement was made or this Act passed.

Action to lie for amount awarded for right of access to avenues.

3. A right of action for the recovery of such sum as may be awarded under the provisions of the said agreement for the right or privilege of ingress and egress to and from the said avenues from and to the property adjacent or adjoining thereto may be maintained on behalf of Her Majesty, upon the information of the proper officer in that behalf representing Her against the owners for the time being of all such adjacent properties who have not already acquired, or do not hereafter acquire, by grant or license from Her Majesty the right or privilege of ingress and egress aforesaid to and from their said properties, and who, nevertheless, after notice forbidding the exercise of such right or privilege of ingress and egress, continue to

to use and enjoy the same; and the right of action hereby given is in addition to, and not in substitution for, all or any other remedies whereby the owners of such adjacent properties who have not acquired such right of ingress and egress may be prevented from using or enjoying the same.

4. Every provision in this Act contained, and all matters, terms, and stipulations of, or in the said agreement set forth, are subject to all the provisions contained in the Act passed in the forty-third year of Her Majesty's reign, chaptered 2, and intituled "*An Act to provide for the erection of new buildings for the accommodation of the Provincial Legislature and the Public Departments*," and all the provisions of said last mentioned Act as amended by subsequent Acts are to all intents, and for all purposes, to be taken and considered as being and continuing in full force and effect, notwithstanding anything contained in this Act or in the said agreement.

Provisions of  
43 V., c. 2, not  
affected.

#### SCHEDULE.

THIS INDENTURE made in duplicate the second day of March A.D. 1889, between Her Majesty the Queen, represented for the purposes of this agreement by John Edward Berkeley Smith, the Bursar of the University and Colleges at Toronto, (in his official character as such) of the First Part, and the Corporation of the City of Toronto, of the Second Part.

Whereas, by an Indenture of lease dated on or about the 1st day of January, A.D., 1859, and made between David Buchan, of the City of Toronto, Esquire, the then Bursar of the University and Colleges, at Toronto, of the first part, and the Corporation of the City of Toronto, of the second part, certain lands situate in the said City of Toronto, therein particularly described and since known as the "Queen's Park" with the Avenues forming the main approaches thereto, were in pursuance of the powers and authorities therein fully recited, demised to the said City of Toronto for the term of nine hundred and ninety-nine years from the said date, at the yearly rent of five shillings of lawful money of Canada, payable on the first day of January in each and every year, if demanded, subject to the covenants and conditions therein contained.

And Whereas by an Indenture of agreement dated on or about the 2nd day of May, A.D. 1877, made between the said David Buchan, the then Bursar of the University and Colleges at Toronto, of the first part, and the Corporation of the City of Toronto, of the second part, it was agreed that the location of a certain road on the west side of a proposed Botanic Garden should be changed, as in the said agreement set forth.

And Whereas, by an Indenture of agreement dated on or about the 19th day of July, A.D. 1883, between Her Majesty the Queen represented for the purposes thereof by John Edward Berkeley Smith, the then and present Bursar of the University and Colleges at Toronto, of the first part, and the Corporation of the City of Toronto, of the second part, it was amongst other things agreed that the Avenue known and described in the said recited lease as the cross Avenue from Yonge Street, should be made available for street railway purposes on the terms and subject to the performance of the conditions therein set forth.

And Whereas, on or about the 18th day of February, A.D. 1886, an action was commenced in the Queen's Bench Division of the High Court of Justice by Her Majesty's Attorney-General for the Province of Ontario, on the relation of the said John Edward Berkeley Smith, Bursar of the University

University and Colleges aforesaid, informant, against the Corporation of the City of Toronto, to have the hereinbefore recited lease, as varied by the hereinbefore recited agreements, forfeited and avoided, and to have the same delivered up to be cancelled, on the ground that the said City had not complied with the covenants and conditions therein contained.

*And Whereas* such proceedings were had and taken in the said action that on or about the 31st day of January, A.D. 1888, judgment was pronounced by the said Court in the said action whereby the said lease, varied as aforesaid, was declared to be forfeited and avoided, and was ordered to be delivered up to be cancelled, and the said Corporation was ordered to pay the costs of the said action.

*And Whereas* the Corporation of the City of Toronto subsequently made a certain application to the Court to set aside and vacate the said judgment and to be allowed to file a defence to the said action, and pending the determination of the said application, negotiations have taken place between the parties hereto, which have resulted in the agreement hereinafter set forth.

*Now, therefore, this Indenture Witnesseth* that the parties hereto, for and in consideration of the matters herein set forth, agree that the judgment aforesaid, obtained on or about the 31st day of January, A.D. 1888, in the action and information hereinbefore referred to, shall be vacated by the said High Court of Justice, and the said action in which the said judgment was obtained, shall be dismissed by the informant therein, the said Corporation of the City of Toronto paying the costs of the said informant incurred in the said action upon taxation thereof: and the said parties do hereby mutually acquit, release and discharge each other of and from all claims and demands, actions, and causes of action in respect of any breach of any covenant, proviso or condition in the said recited lease of the 1st day of January, A.D. 1859, and in respect of the said agreements modifying the same, and in respect of the property in and by the said lease demised, and all breaches of the said lease and agreement heretofore committed by the said Corporation are hereby waived by Her Majesty.

*And this Agreement further Witnesseth :*

1. That Her Majesty, represented as aforesaid, in consideration of the covenants and agreements by the parties of the second part hereinafter contained, doth hereby consent to and confirm all existing street openings into the said Queen's Park and Avenues, as shewn on the plan hereto annexed, said openings being as follows :

The North Avenue leading from Bloor Street to the Park ; University Street throughout its entire length ; Avenue Street throughout its entire length ; Teraulay Street, full width of street ; Mission Street, full width of street ; Elizabeth Street, full width of street ; McCaul Street, full width of street ; Henry Street, full width of street ; Caer Howell Street, full width of street ; Grosvenor Street, full width of street ; St. Albans Street, full width of street ; St. Joseph Street, full width of street ; Czar Street, full width of street ; Anderson Street, footpath, six feet wide ; Orde Street, footpath, six feet wide ; Queen's Park Drive, footpath, six feet wide in the direction to be hereafter determined by the Board of Trustees of the University.

And all such existing street openings shall from and after this agreement be confirmed and established, as if in pursuance of the said lease of January 1st, 1859, the same had been agreed upon between the Senate of the said University and the said Corporation.

2. That the Cross Avenue from Yonge Street, hereinbefore and in the recited lease and agreement referred to, and the Avenue from Queen Street, and the other approaches to the said park are (subject to the conditions hereinafter set forth) to be, and are hereby dedicated by Her Majesty to the public, and all restrictions as to traffic thereon (excepting in so far as the city may choose to restrain and regulate the same) are hereby removed, but this dedication of the said Avenues and approaches for the purposes of traffic, as aforesaid, is not to affect the right of Her Majesty, represented as aforesaid, to prevent the owners of properties adjacent

adjacent to the said avenues and approaches, who had not, at the date of this agreement, the right of ingress and egress to and from their said properties, from and to the said avenues and approaches, or any of them, or any other person or persons who had not at the said date such right of ingress and egress as aforesaid, from exercising such right, unless and until the same shall have been acquired by payment to Her Majesty or Her successors, for the purposes of the University of Toronto, of such sum as may be agreed upon by and between such persons and the Bursar of the University and Colleges aforesaid; and the said Bursar for and on behalf of Her Majesty, shall grant such right to any owner of property adjacent to the said avenues and approaches, who has not heretofore been entitled to the same, at such price as may be agreed upon by and between such Bursar and such adjacent property owner, and in the event of the said Bursar being unable to agree with any such adjacent property owners as to the amount to be paid by any of the said property owners for such right or privilege, the amount so to be paid is to be settled by arbitration in manner then provided for as to arbitrations under the Municipal Acts of this Province then in force.

Provided always that such right is to be acquired only upon condition that no such adjacent property owner shall erect or maintain upon his said property fronting on said avenues or approaches aforesaid, any building to be used as a shop, warehouse, factory, hotel, saloon, house of public entertainment, lodging or boarding house, billiard or pool room, bowling alley, or for any purpose that would in law be deemed a nuisance.

And in the event of any such adjacent property owner declining to pay for such right of access as aforesaid, the right of Her Majesty under the said lease of 1st January, A.D. 1859, to have fences maintained separating the said avenues and approaches from the said properties is to be unaffected by this agreement, and is to be in the same position as if the hereinbefore recited lease were not varied by this agreement; except that Her Majesty will not call upon or require the said Corporation to erect or maintain any such fence, but will at the cost, charge and expense of the said University of Toronto, cause the same to be erected and maintained; and Her Majesty is to have all the rights of the said Corporation as to the erection and maintenance of such fences as the said rights existed under the said lease of the 1st January, A.D., 1859.

3. And whenever and so soon as any property in and about the said Queen's Park, or upon any of the avenues or approaches thereto, now vested in the Crown in trust for the University of Toronto, is leased, sold or otherwise disposed of, the estate or interest therein of the lessee or purchaser or occupant thereof, shall become liable to assessment for local improvement, in like manner and to the same extent as any other assessable real estate; but this provision is not to make the estate of the Crown in such lands liable in any way to assessment, and until so leased, sold, or otherwise disposed of, the interest of the Crown therein shall not be (as hitherto it has not been) taxable for such improvements.

4. And Her Majesty, represented as aforesaid, dedicates to the city for all time to come, the following lands:—All and singular that certain parcel or tract of land and premises, being a strip of land sixty-six feet in width, composed of part of park lot number thirteen, in the city of Toronto, described as follows: Commencing at a point on the division line between Park Lots Nos. 13 and 14 where it is intersected by a line drawn on a course of north seventy-four degrees east through a point on the east limit of St. George Street, distant 270 feet measured southerly thereon from the southerly limit of the Queen's Park Drive, as described in By-law No. 1924 of the City of Toronto, said last mentioned point being also distant 754 feet 6 inches measured northerly along said limit from the intersection of the production easterly of the north limit of Willecock Street; thence from the point of commencement, north seventy-four degrees east to the intersection of the westerly limit of the westerly drive in the Queen's Park; thence southerly along said limit to the intersection of a line drawn parallel with the firstly described course and distant 66 feet measured southerly therefrom, and at right angles thereto; thence south seventy-four degrees west along said line to the intersection of the division  
line

line between Park Lots Nos. 13 and 14; thence north sixteen degrees west along said division line 66 feet to the place of beginning, together with the triangular block of land marked A and B on plan attached hereto, required for the rounding off of the curves at the easterly termination of the above described strip for a public street or drive, said lands being shown on the plan hereto annexed.

5. That the said hereinbefore recited lease of the first day of January, A.D. 1859, as modified by the hereinbefore recited agreements, and by this agreement, shall be and remain in full force and effect according to the terms, provisos and conditions thereof.

6. And this agreement further witnesseth that in consideration of the matters herein set forth, the said parties of the second part do hereby covenant, promise and agree with Her Majesty and Her successors, represented as aforesaid, that they will, upon the opening of the said public street or drive hereinbefore particularly described and shown on the plan hereto annexed, erect an iron fence at a cost not to exceed the sum of \$650, along the south side of the said public street or drive, such fence to be of a similar character to the fence now surrounding the Queen's Park.

7. And this agreement further witnesseth that in consideration of the matters herein set forth, the said parties of the second part do hereby covenant, promise and agree with Her Majesty (represented as aforesaid) and Her Successors, to endow and maintain during the residue of the term of the hereinbefore recited lease of the first day of January, A.D. 1859, two Chairs in the University of Toronto, at an annual cost of \$3,000 for each Chair, and that they will pay the said two sums of \$3,000 each in four quarterly payments in each year to the Bursar of the University and Colleges, or to such other officer as may be entitled to receive the same on behalf of the said University, the first quarterly payment or sum of \$1,500 to be paid on the first day of July, A.D. 1889.

8. And it is hereby provided that so long as Her Majesty and Her Successors, acting by and through the Executive Council of the Province of Ontario, expends \$6,000 per annum (in addition to the sum now annually expended therefor) in salaries of professors, demonstrators and other instructors for the teaching in the School of Practical Science at Toronto, of full courses in Applied Mechanics and Applied Chemistry, the two Chairs to be so endowed and maintained by the parties of the second part in the University of Toronto shall be :

(1) A Chair of English Literature and Language, and

(2) A Chair of Mineralogy and Geology,

Or such other Chairs in lieu thereof as the City Council and the Senate of the said University may from time to time agree upon.

And should Her Majesty, acting as aforesaid by and through the Executive Council for the Province of Ontario, at any time after the expiration of two years from the date of this agreement, fail to expend the said sum of \$6,000 per year as aforesaid (in addition to the sum heretofore annually expended in the manner aforesaid) the right of the parties of the second part to re-select the two Chairs in the University of Toronto, which they are (under the provisions of this agreement) to endow and maintain, shall revive as it existed at the date of the memorandum of agreement made between Her Majesty the Queen (as Trustee for the University of Toronto and University College) and the Corporation of the City of Toronto, dated November 27th, 1888 ; and the said Chairs hereby agreed to be endowed and maintained shall, in the event of the right of re-selection arising as aforesaid, be in addition to or instead of any Chairs at present or at the time of such re-selection existing in the said University.

9. And this agreement further witnesseth, and it is hereby mutually agreed by and between the parties hereto,

(1) That if at any time hereafter any dispute should arise as to any matters arising out of the said lease or the agreements varying the same, including this agreement, the same shall be settled by arbitration in the manner then provided for as to arbitrations under the Municipal Acts of this Province then in force.

(2) That in the event of the said University at any time hereafter assuming possession of the piece of land in and by the said hereinbefore recited lease reserved for a Botanic Garden, the said garden shall at all times be free and open to the public.

(3) That the parties of the second part are to have full power to restrain and regulate traffic in the said Queen's Park and Avenues and approaches aforesaid.

In witness whereof the said parties hereto have hereunto set their hands and seals as follows, that is to say:—The said John Edward Berkeley Smith, Bursar as aforesaid, has hereunto set his hand and affixed the seal of his office, and the said City of Toronto has affixed the corporate seal of the said corporation and the hand of the mayor thereof, the day and year first above written.

Signed, sealed, and delivered in the presence of	{	(Sd.) J. E. BERKELEY SMITH, Bursar.
(Sd.) F. A. MOURE, As to J. E. Berkeley Smith.		[Seal of University of Toronto.]
(Sd.) CHAS. PENDRICH, As to E. F. Clarke, and R. T. Coady.		(Sd.) E. F. CLARKE, Mayor.
		(Sd.) R. T. COADY, Treasurer.
		[Seal of City of Toronto.]

## CHAPTER 54.

### An Act to make further provision respecting the property of Religious Institutions.

[Assented to 23rd March, 1889.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Conveyances made to the trustees of any religious society or congregation for any of the purposes authorized by *The Act respecting the property of Religious Institutions*, being chapter 237 of the Revised Statutes of Ontario, 1887, may be made to such trustees under a collective name, and it shall not be necessary to set out the individual names of the trustees in such deed as parties thereto or as grantees therein, provided such names be set out or appear by recital or otherwise in the said deed. This section shall apply to conveyances heretofore made as well as to those hereafter to be made to such trustees.

Description of trustees in conveyances under Rev. Stat. c. 237.

2. In case the name by which any religious society or congregation as aforesaid, or trustees therefor, have heretofore held or shall hereafter hold lands under and pursuant to the powers

Change of name under which lands have been held.

powers of the said Act, has been or shall be changed by such religious society or congregation by by-law or resolution, such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the said lands.

Power to join  
in mortgage  
of lands held  
under separate  
conveyances.

3. In the case of separate but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under the said Act, if such parcels of land be so used, occupied, or built upon as to become indivisible except by the removal, alteration, or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage authorised by section 8 of the said Act.

## CHAPTER 55.

### An Act to Consolidate the Debt of the Town of Amherstburg.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS the corporation of the town of Amherstburg, in the county of Essex, have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving a railway bonus, and for public improvements, to the extent of \$26,000, for which amount debentures of the said town have, from time to time, been issued under the authority of various by-laws, and are also indebted to the extent of \$2,000 for floating liabilities; and whereas the greater amount of these liabilities will become due during the years 1889 and 1890, and no provision has been made for their payment, nor could be made without rendering taxation unduly oppressive to the ratepayers; and whereas the said corporation, by their petition, have prayed that the said secured and unsecured debts may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debts of the town of Amherstburg are hereby consolidated at the sum of \$28,000, and it shall be lawful for the corporation of the said town of Amherstburg, to raise, by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum, or sufficient

cient sums to retire the said debentures amounting to \$26,000, as they respectively become due, and to pay off the other debts amounting to \$2,000, not exceeding in the whole the said sum of \$28,000, exclusive of interest thereon.

2. It shall be lawful for the said corporation of the town of Amherstburg, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding \$28,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon, may be payable either in this Province, or Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Issue of debentures authorized.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures, in this Province or in Great Britain, or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient.

Power to borrow on debentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of November in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

5. A portion of the \$28,000 of debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty years from the 1st day of November, 1889, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Term of debentures.

6. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The said debentures and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures of the town of Amherstburg, to the amount of \$26,000,

Application of debentures.

\$26,000, and in payment of the said debt of \$2,000, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Amherstburg to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat. c. 184.

Treasurer to keep books shewing state of debenture account.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Amherstburg from any indebtedness or liability, which may not be included in the said debt of the said town of Amherstburg.

Form of debentures.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent provisions in municipal Acts not to apply.

15. This Act may be cited as "*The Amherstburg Debenture Act, 1889.*" Short title.

#### SCHEDULE A.

No. \_\_\_\_\_

\$ \_\_\_\_\_

##### CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Amherstburg.*

Under and by virtue of *The Amherstburg Debenture Act, 1889*, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Amherstburg, passed under the provisions contained in the said Act, the corporation of the town of Amherstburg promise to pay to the bearer at \_\_\_\_\_, in the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Amherstburg, in the county of Essex, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

A. B.,

Mayor.

[L.S.]

C. D.,

Treasurer.

#### SCHEDULE B.

By-law No. \_\_\_\_\_ to authorize the issue of debentures under the authority of *The Amherstburg Debenture Act, 1889*.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$28,000 in the whole, as the corporation of the town of Amherstburg may, in pursuance of, and in conformity with, the provisions of the said Act, direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_, and on the \_\_\_\_\_ day of \_\_\_\_\_ (or, as the case may be), with interest thereon at the rate of \_\_\_\_\_ per cent. per annum, payable yearly according to the coupons to the said debentures attached.

And

And whereas the amount of the whole ratable property of the said town of Amherstburg, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$

Therefore the municipal corporation of the town of Amherstburg hereby enacts as follows :—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as “Consolidated Debt Debentures,” to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per cent. per annum, payable yearly on the first days of November in each year.

This by-law, passed in open council this                      day of                      , in the year of our Lord one thousand eight hundred and

## CHAPTER 56.

An Act to confirm a Conveyance made by the Town of Barrie, to Her Majesty the Queen.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS the Department of Militia and Defence for the Dominion of Canada, being desirous of erecting an armoury upon part of the land situate in the town of Barrie, in the county of Simcoe, held by the said town of Barrie in trust for market purposes, and it being in the interest of the public that such should be done, it was resolved in council by the municipal corporation of said town that a conveyance of the land hereinafter described should be made to Her Majesty the Queen, which said conveyance the mayor and town clerk were by the said resolution authorized and required to execute; and whereas the said conveyance bearing date, the 11th day of June, 1888, was duly executed, and the said municipal corporation thereby granted to Her Majesty the Queen for purposes in connection with the militia of Canada, the following property: All and singular that certain parcel or tract of land and premises situate, lying and being in the said town of Barrie, in the county of Simcoe and Province of Ontario, and which is described as follows: Commencing on the westerly boundary of Mulcaster Street produced northerly, and at the north-easterly point of a lane twelve feet wide, adjacent to the northerly boundary of lots sixteen and fifteen on the north side of Dunlop Street in said town; thence westerly along the northerly limit of said lane and parallel to Dunlop Street, sixty feet; thence northerly at right angles to said last mentioned course forty-six feet; thence easterly sixty feet more or less to the westerly limit of Mulcaster street produced; thence southerly in a direct line to the place of beginning; and

and whereas the corporation of the said town of Barrie have by their petition prayed for the passing of an Act to confirm the said conveyance and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said conveyance above mentioned, bearing date the 11th day of June, 1888, and the grant made thereunder are hereby confirmed and declared legal, valid and effectual, and the said land above described is hereby declared to be vested in Her Majesty the Queen, her successors and assigns, for the purpose aforesaid for ever.

Land vested in  
Her Majesty.

## CHAPTER 57.

An Act to incorporate the Town of Bracebridge,  
and for other purposes.

*[Assented to 23rd March, 1889.]*

**W**HEREAS the village of Bracebridge, in the district of Muskoka, is rapidly increasing in population, and by reason of its central location, its fine water power, its railway facilities, its navigation privileges, and leading roads branching out in all directions through the said district, it is likely to become an important business centre ; and whereas the council of the said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property ; and whereas the said council have by their petition further represented that on the fifteenth day of January, 1900, there will mature debentures of the said corporation to the amount of \$7,000, issued under a certain by-law numbered fifteen, and passed on the fifteenth day of January, 1880, for the purpose of erecting a public school house, in and for the union school section comprising the incorporated village of Bracebridge and a portion of the township of Monck, in the county of Simcoe, and that by virtue of a certain by-law numbered ten, and passed on the seventeenth day of November, 1879, for the purpose of purchasing land as a site for, and the erection thereon of a town hall and engine house, there are certain debentures of the said corporation still outstanding and unpaid to the amount of \$1,650, and that by virtue of a certain by-law numbered forty-seven, and passed on the fifteenth day of October, 1884, for the purpose of paying the

Preamble.

the amount of a judgment with interest thereon, and costs recovered by Thomas Barnes, in the High Court of Justice, Chancery Division, against the municipality of the village of Bracebridge, there are certain debentures of the said corporation still outstanding and unpaid to the amount of \$4,000; and whereas the said corporation have further represented that funds have not been provided for redeeming the said school debentures, and that it would be in their interest to obtain an Act authorizing the issue of debentures, in order to retire all the said outstanding debentures; and whereas it is expedient to grant the prayers of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incor-  
porated.

1. On and after the passing of this Act, the said village of Bracebridge, shall be, and is hereby constituted a corporation, or body politic, under the name of "The Corporation of the Town of Bracebridge," and shall enjoy and have all the rights, powers, and privileges enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario, under the existing municipal laws of the said Province.

Municipal  
laws to apply.

2. The provisions of *The Municipal Act*, and any Act amending the same, relating to matters consequent upon the formation of new municipal corporations, and the other provisions of *The Municipal Act*, shall, except so far as herein otherwise provided, apply to the said corporation of the town of Bracebridge, in the same manner as if the village had been erected into a town under the provisions of the said Acts.

Town to  
assume pro-  
perty and  
liabilities of  
village.

3. The property and assets of the said village of Bracebridge, shall belong to the town of Bracebridge, and all the debts, liabilities, and obligations of the said village of Bracebridge, shall be assumed and paid by the corporation of the said town of Bracebridge, and the officers and servants of the said village of Bracebridge shall, until superseded in, or removed from office by the council of the said town, remain the officers and servants of the said town of Bracebridge.

Limits of  
town.

4. The said town of Bracebridge shall comprise and consist of the present village of Bracebridge, with existing limits.

Wards.

5. The said town shall be divided into three wards, to be called respectively, the "First," "Second," and "Third" wards, which said wards shall be respectively composed and bounded as follows:—

1. The First Ward shall be composed of that portion of the town of Bracebridge, as constituted by this Act, described as follows:—Commencing at the southerly intersection of Ontario street with the town line, between the township of  
Monck

Monck and the town of Bracebridge, thence east along Ontario street to the Muskoka road, thence south-east along said Muskoka road to the southern bank of the Muskoka river, thence following said bank of the Muskoka river in a north-easterly direction to the southern boundary of village lot 2 on Front street, to the point where it meets the limit of the corporation, thence south along said corporation limit to a point forming the southern extremity of said corporation limit, thence in a north-westerly direction along the corporation limit to the south bank of the Muskoka river, thence in a north-easterly direction along the south bank of said river to the westerly side of the Muskoka road, thence across said river to the south-westerly boundary of lot, letter B, thence along the northerly bank of said river to the south-westerly boundary of lot one lying south of Gordon street, thence in a northerly direction parallel with the town line between the township of Monck and the town of Bracebridge to the south side of Gordon street, thence easterly along Gordon street to said town line, thence northerly along said town line to the place of beginning; also that portion of said town described as follows:—Commencing at the north-easterly corner formed by the intersection of Dominion street with Ontario Street, thence northerly along Dominion street to the point of intersection of Dominion street with the Muskoka road, thence south-easterly along the Muskoka road to the point of intersection of the Muskoka road with the northerly side of Ontario street, thence westerly along the northerly side of Ontario street to the place of beginning.

2. The Second Ward shall be composed of that portion of the town of Bracebridge, described as follows:—Commencing at the north-east corner of Ontario street, at the point where it intersects the town line between the township of Monck and the town of Bracebridge, thence in a northerly direction along the east side of the said town line to a point where it strikes the northerly limit of the said town of Bracebridge, thence easterly along said northerly limit to the Muskoka road, thence south-easterly along the Muskoka road to the point of intersection of the Muskoka road with James street, thence south-easterly along James street to the north-east corner of Mary street, thence south-westerly along the northerly side of Mary street, to the intersection of Mary street with the Muskoka road, thence along the south-westerly side of the Muskoka road to Dominion street, thence along the westerly side of Dominion street to the northerly side of Ontario street, thence westerly along the northerly side of Ontario street to the place of beginning.

3. The Third Ward shall be composed of that portion of the town of Bracebridge described as follows:—Commencing at the intersection of the northerly limit of the town of Bracebridge with the easterly side of the Muskoka road, thence southerly along the Muskoka road to the easterly side of James street,

street, thence south-easterly along the easterly side of James street to Mary street, thence along the south side of Mary street to the Muskoka road, thence south-easterly along the Muskoka road to the north-west bank of the Muskoka river, thence following said river bank in a northerly direction to a point where the line between lots numbers four in the first, and four in the second concessions of the township of Macaulay intersects the said Muskoka river, thence along said line produced across said river to the easterly limit of the said town, thence northerly along said limit to the northerly limit of said town, being the north-easterly corner of block 14, thence westerly along the northern boundary of said block 14, to the north-west corner of said block, thence southerly to the north-east corner of block 13, thence westerly along the northerly limit of said town to the place of beginning.

Nomination  
for first elec-  
tion of mayor  
and council-  
lors.

6. On the second Monday after the passing of this Act, it shall be lawful for James Boyer, or the village clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Bracebridge for at least one week, to hold the nomination for the first election of mayor, reeve and councillors at the town hall, in the said town of Bracebridge, at the hour of noon, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the said nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy re-  
turning offi-  
cers.

7. The said returning officer shall, by his warrant, appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer, and each deputy-returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Council.

8. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week  
next

next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

9. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns. Oaths of office and qualification.

10. At the first election of mayor, reeve and councillors for the said town of Bracebridge, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario. Qualification at first election.

11. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Bracebridge, or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto. Expenses of Act.

12. All by-laws and municipal regulations which are in force in the village of Bracebridge, shall continue and be in force as if they had been passed by the corporation of the town of Bracebridge, and shall extend to, and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation. By-laws continued.

13. The said town of Bracebridge may pass a by-law, or by-laws, authorizing the issue of debentures of the said town for a sum not exceeding in the whole \$12,650, to redeem the said outstanding debentures issued under the by-laws mentioned in the preamble hereof, and the corporation may, after the redemption of the original debentures, repeal the said by-laws, so far as regards the levying of rates imposed by the same for the redemption of such original debentures and the payment of the interest on the same. Issue of debentures authorized.

14. The debentures to be issued under the preceding section of this Act, shall be made payable at such time or times not exceeding twenty years after the date thereof, and at such place or places either within or without this Province, and shall be for such sums, either in sterling or currency, not less than \$100 each, as the corporation of the said town may by such by-law or by-laws direct, and the said debentures shall bear interest at a rate not exceeding six per cent. per annum, payable yearly or half-yearly as by such by-law or by-laws may be provided. Payment of debentures.

Power to borrow on debentures.

**15.** The corporation of the said town may raise, by way of loan upon the credit of the said debentures, to be issued under section 13 of this Act, a sum of money not exceeding in the whole, the sum of \$12,650; and the treasurer of the said town shall, on receiving instructions so to do from the council, call in and discharge, with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures, or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act, upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures.

Outstanding debentures may be called in.

Special rate.

**16.** The by-law or by-laws authorizing the issue of such debentures, shall impose a special rate per annum (over and above all other rates to be levied in each year), which shall be sufficient to pay the interest on said debentures and to provide a sinking fund for the due payment of the principal of the same when the same shall fall due.

Investment of sinking fund.

**17.** It shall be the duty of the treasurer of the said corporation, by and with the consent and approbation of the council, from time to time, to invest all moneys raised by special rate, or the sinking fund provided by this Act, or by the by-law or by-laws, either in the debentures to be issued under this Act, or in government securities, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct; or he may deposit the same in any chartered bank of the Dominion of Canada, that the council may, from time to time, approve; and all dividends and interest received on such investments, shall be applied to the extinction of the loan authorized to be raised under this Act.

Assent of electors to by-laws not required.

**18.** It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of section 13 and subsequent sections of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*, or amendments thereto, and any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the said by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Rev. Stat. c. 184.

Application of debentures.

**19.** The proceeds of the debentures authorized to be issued by this Act, shall be applied to the redemption of the aforesaid outstanding debentures of the said village, and for no other purpose whatever.

**20.**

**20.** No irregularity in the form, either of the said debentures or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

**21.** It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 17 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

**22.** Nothing in this Act contained shall exempt that part of the corporation of the township of Monck, hitherto and now liable for a portion of the said school debenture debt, from the payment of its said portion, but the said part of the township of Monck, shall remain liable to pay its share of said school debenture debt, as if this Act had not been passed.

**23.—(1)** The said returning officer shall, at the nomination provided for in section 6 of this Act, receive nominations for two school trustees for each of said wards, and the elections for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*.

**(2)** The first meeting of the board of public school trustees shall be held on the Tuesday of the week next following the week of the polling, or if there be no polling, on the Tuesday of the week next following the week of the nomination, at noon, when the board of school trustees for the village of

Bracebridge

Irregularities of form not to invalidate debentures.

Treasurer to keep books shewing state of debenture account.

Liability of corporation of Monck not affected.

Election of school trustees.

Rev. Stat. c. 225.

Bracebridge shall cease to exist, and the trustees of the late school board shall hand over unto the new board of trustees all moneys and properties belonging to the said school, and the municipal council and officers shall pay over all moneys that may be due, or may become payable to the old school board, unto the new board of trustees.

(3) One of said school trustees for each ward shall remain in office only for the unexpired part of the year 1889, and the other one for each ward until the end of the year 1890, and the length of term for each trustee shall be determined by lot at the first meeting of the new board of trustees.

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## CHAPTER 58.

An Act to enable the Town of Brockville to issue certain Debentures for Drainage purposes.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS the corporation of the town of Brockville have by their petition represented that they have incurred debts and liabilities to the amount of about \$23,000 in the construction of a main sewer in the said town of Brockville and the estimated additional expenditure for the completion of the same is about \$37,000 and also that a system of drainage is being constructed in the said town of Brockville under what is known as the frontage or local improvement plan, and the said corporation estimate that in order to provide for the proportion payable by the said corporation in respect thereof and the proportion to be rated against the owners of the various properties benefited thereby, they will have to borrow the sum of about \$40,000; and whereas it is further represented that the said drainage works are of a permanent character and will endure for a period long exceeding the time of the maturing of the debentures hereby authorized to be issued and that the said corporation can borrow the money and repay the same to much greater advantage if the said debentures extend over a period of forty years; and that it is desirable that the cost of the said drainage works of the said town be raised by borrowing money upon the credit of the said corporation secured by the debentures herein authorized; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The council of the said corporation of the town of Brockville may pass a by-law providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums not less than \$100 each and not exceeding in the whole \$100,000 as the council of the said corporation may by such by-law direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere. Power to issue debentures.
2. The said council of the said corporation of the said town may, for the purpose aforesaid, raise money by the sale or by hypothecation of said debentures from time to time as they may deem expedient. Power to sell or pledge debentures.
3. The said debentures shall be made payable at such period not exceeding forty years from the passing of the by-law as the said by-law shall direct and the interest thereon at such rate not exceeding four per centum per annum as the said municipal council may by such by-law determine, shall be payable half-yearly according to the coupons attached thereto, and it shall not be necessary to procure the assent of the ratepayers to the issue of such debentures or the passage of such by-law. Payment of debentures.
4. All moneys arising from the sale or hypothecation of the said debentures, shall be applied by the said corporation towards the expense already incurred and to be incurred in the construction of the said main sewer and of the said system of drainage and in no other manner and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner. Application of proceeds of debentures.
5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to raise such an amount as will, with the amounts levied on the properties benefited in pursuance of the local improvement by-laws, pay the said interest and also to form a sinking fund which compounded half-yearly at four per cent, will be sufficient to pay such principal money. Special rate.
6. No irregularity in the form either of the said debentures or of the by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof. Irregularities not to invalidate debentures.

Local im-  
provement  
debentures.

7.—(1) Notwithstanding anything in *The Municipal Act* contained it shall be lawful for the council of the corporation of the said town of Brockville to pass local improvement assessment by-laws extending the time for payment of that part of the cost of said system of drainage, to be rated and levied on real property specially benefited, over a period of not more than forty years to the end that the payment of such special local rates may be made co-terminous with the special general rates authorized by section 5 of this Act.

(2) In the event of the said council passing such local improvement assessment by-laws under the provisions of the preceding sub-section, no local improvement debentures shall be issued pursuant to any such local improvement by-law which may be passed by the said council to provide for the payment of the cost of that part of said drainage system chargeable on real property specially benefited, but all local rates and assessments imposed and made under any such by-law or by-laws shall be annually collected by the said corporation and applied in and towards the payment of the principal money of the debentures authorized by this Act and the interest thereon as contemplated by section 5 hereof.

## CHAPTER 59.

An Act to enable the Town of Cobourg to aid certain Railways.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the town of Cobourg has by petition represented that the construction of the Cobourg, Blairton and Marmora Railway or the Cobourg, Northumberland and Pacific Railway or other line of railway from Cobourg to some point on the River Trent, and thence to some point on the Ontario and Quebec branch of the Canadian Pacific Railway, and thence to some point in the mining region of the townships of Marmora and Madoc, would be conducive to the welfare of the said town, and they desire to aid the same by way of bonus or by taking stock or otherwise; and whereas it is expedient to authorize the issue of a certain amount of debentures to be chargeable upon the property of the commissioners of the Cobourg Town Trust, in order that funds may be raised for the aforesaid purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the mayor and council of the town of Cobourg, from time to time as they shall see fit to cause to be issued a further amount of town trust debentures not to exceed \$75,000 over and above the sum they are now authorized to issue, which said debentures shall be a charge upon the property and revenues vested in the commissioners of the Cobourg town trust.

Issue of debentures to amount of \$75,000 authorized.

2. Debentures by this Act authorized to be issued shall, on the face thereof respectively express that they are debentures issued under the authority of this Act and secured on the property and revenues of the commissioners of the Cobourg town trust, and all the powers of the Acts relating to the said Cobourg town trust, shall apply thereto.

Provisions as to debentures.

3. The said debentures when issued may be negotiated and applied for the exclusive purposes of supplying the purchase money of the said Cobourg, Blairton and Marmora Railway and Mining Company's properties, or for taking stock in or aiding by way of bonus or otherwise the said railway or the Cobourg, Northumberland and Pacific Railway or any other railway the line of which is intended to be constructed from Cobourg to the river Trent and thence to the line of the Ontario and Quebec branch of the Canadian Pacific Railway, and thence to the mining region in the townships of Marmora and Madoc.

Application of debentures.

4. Any stock subscribed for, by or on behalf of the said town of Cobourg shall be vested in and held by the commissioners of the Cobourg town trust; and the debentures by this Act authorized to be issued shall (in addition to other security provided by this Act) be a first charge and lien upon the said stock and the revenues thereof.

Stock to be vested in commissioners.

Debentures to be a charge on stock.

5. Such debentures shall not be issued, stock taken or aid given, except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the said town of Cobourg, in the manner provided in respect to such by-laws in *The Municipal Act*.

Assent of electors required.

Rev. Stat. c. 184.

6. Nothing in this Act contained, shall, in anywise impair or lessen the security of the debentures issued or to be issued under the Act of the late Province of Canada, intituled "*An Act to consolidate the debt of the town of Cobourg and to authorize the issue of debentures on the security of the town property and for other purposes*," and those issued or to be issued under the Act of the Province of Ontario, intituled "*An Act for the further improvement of the Cobourg harbour*," and any other debentures of the said town of Cobourg which may be outstanding; but the said debentures shall be and remain a prior charge upon the property and revenues of the said commissioners except the stock in section 4 of this Act mentioned and the revenues from said stock.

Outstanding debentures not affected.

22 V. c. 72.

36 V. c. 120.

Irregularities  
not to invali-  
date debentures.

7. No irregularity in the form either of the said debentures or of the by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Municipalities  
empowered to  
aid railway.

8. Any county or union of counties, township (or portion of a township), or town or incorporated village interested in securing the construction of the Cobourg, Northumberland and Pacific railway, or through or near which any such railway may pass or be situated may aid the said railway by granting money or debentures by way of bonus or gift or by way of loan or by subscribing for any number of shares in the capital stock of said railway under and subject to the provisions contained in *The Municipal Act* and amendments thereof.

## CHAPTER 60.

### An Act to legalize a By-law of the Town of Galt and for other purposes.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the corporation of the town of Galt, by their petition, have represented that on the 28th day of May, 1888, they did pass a certain by-law, numbered 416, after the said by-law had been duly approved of by the ratepayers, that said by-law was passed to raise the sum of \$8,000 by the issue of debentures in order to aid and assist a hospital to be erected in the town of Galt; and whereas doubts have arisen as to the validity of the said by-law, and they have prayed that an Act may be passed to render the said by-law valid and legal; and whereas it is expedient to grant the prayer of the said petition; and whereas by deed, bearing date the 6th day of July, A. D., 1846, one Absalom Shade, of the town of Galt, in the county of Waterloo, Esquire, did grant unto James Kemball Andrews, Alexander Addison and Henry McCrum, all of the same place, their heirs and assigns in trust for the inhabitants of the town of Galt, for the purposes of a fire-engine house and hook and ladder house, all and singular that certain parcel or tract of land and premises situate, lying and being in the town (formerly village) of Galt, and known as the engine house lot, containing by admeasurement four perches of land, more or less, and butted and bounded as follows, that is to say:—Commencing on the west side of south Water street at what was formerly Isaac Sour's north boundary, thence north two degrees fifteen minutes, east fifty-eight

fifty-eight links; thence north eighty-seven degrees forty minutes west to the edge of the Grand River, thence down the stream to said Isaac Sour's north boundary; thence along said boundary to the place of beginning; and the said lands and premises have been used for many years for the purposes of a fire-engine house and a hook and ladder house, and are still used for such purpose, but it is desirable that the fire-engine house should be situate in a more central locality, and a building near the town hall has been fitted up and is used as a fire-engine house as well as the premises herein described, but the said corporation of the town of Galt can make other uses of the said lands and premises, and have prayed that an Act may be passed authorizing them to deal with the said lands by using the same for other purposes, or selling or leasing the same, or to use them in any other manner; and whereas it is expedient to grant the prayer of the said petition; and whereas by indenture bearing date the 28th day of March, A. D., 1842, one Absalom Shade did grant and convey the following lands and premises, situate, lying and being in the said town of Galt, and north of the macadamized road leading from Galt to Dundas, and containing by admeasurement one acre and twenty-two perches of land, more or less, and butted and bounded as follows:—Commencing at a post planted at the north-west angle of the said parcel or tract of land, thence south eighty-eight degrees, east three chains and thirty-one links to a post; thence south one degree east three chains and forty-eight links to a post; thence north eighty-eight degrees thirty minutes west, three chains and nineteen links to a post; thence north one degree thirty minutes west, three chains fifty-two links more or less to the place of beginning, being part of subdivision lot No. 1 in the 11th concession of the township of North Dumfries, to Duncan Shepherd and Paul Godfrey Huffman, to be held by them in trust for a burial place or cemetery for the inhabitants of Dumfries and the vicinity generally; and whereas the said Paul Godfrey Huffman departed this life many years ago; and whereas the said lands and premises are no longer (and have not for some years been) used or required for a burial place or cemetery, and the said Duncan Shepherd, in a deed of grant and quit claim reciting the above facts, dated the 17th day of June, 1885, deeded the said lands and premises to the corporation of the town of Galt, and conveyed all his interest, estate, right, title and demand whatsoever therein to the said corporation; and whereas public notice has already been given by advertisement in the public newspapers of the town of Galt, calling upon relatives or friends of the interred to remove their remains from the said lands and premises, and certain removals have already been made in pursuance of said notice, and the said corporation have used the said lands and premises as a park and recreation ground, and the same are admirably suited for

for the purpose ; and whereas the said corporation have prayed that an Act may be passed authorizing them to use the said lands and premises as a public park or recreation ground for the inhabitants of the town of Galt and vicinity, and to confirm the deed to them from the said Duncan Shepherd ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 416  
confirmed.

1. The aforesaid by-law number 416 of the corporation of the town of Galt is hereby confirmed and declared legal and valid from the time of the passing thereof to all intents and purposes, and the debentures to be issued under the said by-law are declared valid and binding upon the said corporation of the town of Galt and the ratepayers thereof ; but nothing in this section contained shall prejudice or affect the rights of any person as to the costs of any action or proceeding now pending.

Engine house  
lot vested in  
corporation.

2. The said engine-house lot hereinbefore described by metes and bounds, and the buildings thereon, shall be and are hereby vested in the corporation of the town of Galt, their successors and assigns, who are hereby empowered to lease, sell or otherwise dispose of the same or use the same for any purpose they may see fit, discharged from the trusts created or intended to be created in the said deed hereinbefore referred to.

Lands vested  
in corporation  
for park pur-  
poses.

3. The lands and premises mentioned in the hereinbefore referred to deeds from Absalom Shade to Duncan Shepherd and Paul Godfrey Huffman, and from Duncan Shepherd to the corporation of the town of Galt, are hereby vested in the corporation of the town of Galt, their successors and assigns, as a public park or recreation ground for the inhabitants of the said town and vicinity, and the said deed from Duncan Shepherd to the said corporation of the town of Galt is hereby confirmed : Provided that this section shall not take effect until the corporation of the town of Galt has published a notice once a week during the period of one month in the *Ontario Gazette*, and in two newspapers published in the said town of Galt, to the relatives of the dead interred in the said burying ground, notifying them that the said corporation will remove any remains in a decent and orderly manner to Mount View Cemetery, in the said town, which they may be requested to remove by any of the said relatives within one month from the date of the publication of the last number of the *Gazette* containing such notice, and it shall be the duty of the said corporation to remove within a reasonable time any remains and tombstones which they may be requested to remove in pursuance of the said notice to be published as aforesaid.

Proviso.

## CHAPTER 61.

## An Act respecting By-Law No. 92, of the Town of Gravenhurst.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the town of Gravenhurst, <sup>Preamble.</sup>  
 on the 27th day of August, 1888, passed by-law number 92, for the raising of \$6,000, on the debentures of the said town for building a public school, the repayment of the said debt being in unequal amounts; and whereas the corporation of the town of Gravenhurst has by petition prayed that the said by-law and the debentures issued thereunder, may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law numbered 92, of the town of Gravenhurst, <sup>By-law 92, of the town of Gravenhurst confirmed.</sup>  
 entitled, a by-law to authorize the issue of debentures for the sum of \$6,000 for public school purposes, and which said by-law is set out in the schedule to this Act, is hereby confirmed and declared to be legal and valid, and the debentures issued thereunder are hereby declared to be legal and binding on the said town of Gravenhurst, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

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 SCHEDULE.
*By-Law No. 92.*

*To authorize the issue of debentures for the sum of six thousand dollars for public school purposes,*

Whereas the public school board of the town of Gravenhurst, have applied to the municipal council of the said town, to raise for them the sum of \$6,000, the amount required for building and providing a new school house, and the purchase of a site; and whereas it is desirable that the said sum of \$6,000, should be raised by loan, secured by debentures of the said corporation; and whereas for the payment of the said debt and interest, the respective sums hereinafter set forth, will be required to be raised annually by a special rate in each of the years during the currency of the said debentures as hereinafter mentioned; and whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, being the assessment roll for the year 1888, is \$242,358; and whereas the amount of the existing debenture debt of the said municipality is \$12,386.56, of which no part for principal or interest is in arrears;

Therefore the municipal council of the corporation of the town of Gravenhurst, enacts as follows:—

That

That the sum of \$6,000 so required, be raised by the issue of the debentures hereinafter mentioned, and that the proceeds of the said debentures be paid over to the public school board for the purposes hereinbefore mentioned.

That for the purpose of effecting such loan, as aforesaid, it shall be lawful for the mayor of the said municipality, to issue, or cause to be issued, debentures for sums not less than \$100 each, and not exceeding in the whole, the sum of \$6,000, the same to be sealed with the corporate seal of the said municipality, and to be signed by the mayor, and countersigned by the treasurer of said municipality.

That the whole of the principal of the said debt shall be repayable within a period of eighteen years, and that the total amount required to be raised by special rate, for paying the new debt and interest will be as follows :—

	Interest.	Principal.	Total.
28th day of August, 1889.....	\$360	....	\$360
“ “ “ 1890.....	360	....	360
“ “ “ 1891.....	360	....	360
“ “ “ 1892.....	360	....	360
“ “ “ 1893.....	360	....	360
“ “ “ 1894.....	360	\$140	500
“ “ “ 1895.....	352	148	500
“ “ “ 1896.....	343	157	500
“ “ “ 1897.....	333	167	500
“ “ “ 1898.....	323	177	500
“ “ “ 1899.....	313	187	500
“ “ “ 1900.....	301	199	500
“ “ “ 1901.....	289	692	981
“ “ “ 1902.....	248	733	981
“ “ “ 1903.....	204	777	981
“ “ “ 1904.....	157	824	981
“ “ “ 1905.....	108	873	981
“ “ “ 1906.....	55	926	981

That the said debt and debentures shall bear interest at the rate of six per cent. per annum, from the date thereof, which interest shall be payable yearly on the 28th day of August, in each and every year, at the Dominion Bank, in the city of Toronto, and shall have attached to them coupons for the payment of such interest.

That for the purpose of providing a fund for the payment of said interest and debentures, as they respectively mature, there shall be raised and levied in each year during the said period of eighteen years, the currency of said debentures so to be issued as aforesaid, or any of them on all the ratable property in the said municipality, by special rate sufficient therefor, the sums respectively hereinbefore mentioned and set out, for the payment of the several and respective instalments of principal and interest accruing, or to accrue, due and be payable as hereinbefore mentioned, and pursuant to the true intent and meaning of this by-law, and the said sums shall be so raised and levied in the years opposite said amounts as hereinbefore mentioned in addition to all other rates raised and levied.

That this by-law shall come into force, and take effect from and after the 28th day of August, 1888.

Passed this 27th day of August, A.D., 1888.

{ Seal. }

(Sgd) J. T. HARVIE,  
Mayor.

(Sgd) THOMAS JOHNSON,  
Clerk.

## CHAPTER 62.

An Act to confirm certain By-laws of the city of Kingston and for other purposes.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the city of Kingston by Preamble.  
their petition shew, that certain by-laws granting the railway bonuses in their titles mentioned to the railway companies therein mentioned, were after having been duly assented to by the electors of the municipality, finally passed by the council of the same, on the seventeenth day of December, A.D. 1888, and entitled respectively, "A by-law to aid and assist the Kingston, Smith's Falls and Ottawa Railway Company by granting a bonus thereto of \$150,000, for the purpose and upon the conditions therein mentioned and contained;" and "A by-law, to aid and assist the Napanee, Tamworth and Quebec Railway Company by granting a bonus thereto of \$75,000 for the purpose and upon the conditions therein mentioned and contained;" also that it was one of the said conditions contained in the first-mentioned by-law, that if by the leave of the Ontario Legislature the said corporation were permitted to issue debentures for the bonus thereby granted, payable within the period of forty years from the date of the coming in force of the said by-law, and to be issued under the authority of a by-law to be passed with the said leave by the said council, without the further assent of the said electors, these debentures might be substituted for the debentures authorized by the said by-law which are payable within the period of twenty years from the said date in accordance with the provision of *The Municipal Act* in that behalf and the petitioners have prayed that such leave be given; and whereas the said petition also shews that it is a further condition in the said by-law that the said company will not charge any greater rate for the carriage of cordwood from the town of Smith's Falls to the city of Kingston, or from any point between the said town and the said city to the said city than \$9 for each car carrying six cords of hardwood, and that the said company shall enter into and execute a deed between it and the petitioners containing its covenant to that effect, which condition is by a further condition of the said by-law, to be binding on the successors, lessees and assigns of the said company and on any railway company with which it may amalgamate or form a part and the petitioners have prayed that it be so enacted and that the said condition and the said deed and covenant be confirmed; and whereas the said petition also shews that the said the Kingston, Smith's Falls and Ottawa Railway Company have consented that the said condition contained in the said by-law granting the said company a bonus, as to the rate to be charged for the carriage

carriage of cordwood and the said covenant in that behalf to be entered into under the said condition by the said company, in the deed to be executed between it and the petitioners as aforesaid should enure to the benefit of and may be enforced by action by and avail as the means of a remedy to any person, company or corporation injured or damnified by a breach thereof by the said railway company, its successors, lessees or assigns, or by any railway company with which it may amalgamate or form a part, and the petitioners have prayed that it may be so enacted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
bonus debentures payable  
in 40 years.  
Rev. Stat. c.  
184.

1. The council of the corporation of the city of Kingston is hereby authorized to pass a by-law without submitting the same for the assent of the electors of the said municipality or otherwise observing the formalities required by *The Municipal Act*, providing for the issue of debentures of the said corporation for the sum of \$150,000 payable within the period of forty years from the thirty-first day of December, 1888, bearing interest not exceeding four and one-half per centum per annum, and levying on the ratable property of the municipality annually during the currency of the said debentures a sufficient sum by a sufficient special rate therefor to pay the principal and interest of the said debentures as made payable by the by-law, and to substitute the said debentures for the debentures authorized by the by-law granting a bonus for the same amount to the Kingston, Smith's Falls and Ottawa Railway Company as provided in the condition in that behalf contained in the said by-law: Provided that upon such substitution of said debentures, no sum or rate shall be levied under the said by-law granting the said bonus for or on account thereof.

Proviso.

Agreement  
with Kings-  
ton, Smith's  
Falls and  
Ottawa Rail-  
way Company  
as to carriage  
of cordwood  
confirmed.

2. The said condition contained in the said last mentioned by-law as to the rate to be charged by the said the Kingston, Smith's Falls and Ottawa Railway Company for the carriage of cordwood from the town of Smith's Falls to the city of Kingston or from any point between the town of Smith's Falls and the said city to the said city, fixing the same at a sum not more or greater than \$9 for each car carrying six cords of hardwood, and the deed containing the covenant in that behalf, to be entered into under the said condition by the said company as aforesaid are hereby confirmed and declared binding and obligatory upon the said company and the successors, lessees and assigns of the said company and on any railway company with which it may amalgamate or form a part, and the said condition and covenant are hereby declared to enure to the benefit of and to be capable of being enforced by action by and to be available as the means of a remedy

remedy to any person, company or corporation in his, their or its own proper name or style who may be injured or damnified by any breach of the said condition or covenant by the said company, its successors, lessees or assigns or by any railway company with which it may amalgamate or form a part, and no greater rate shall hereafter be charged for the carriage of cordwood from or between the points aforesaid in the said condition mentioned into the said city of Kingston than \$9 for each car carrying six cords of hardwood by the said company, its successors, lessees or assigns or by any railway company with which it may amalgamate or form a part, and at all times after the completion of its line of railway into the city of Kingston, the said company, its successors, lessees and assigns and any company with which it may amalgamate or form a part, shall carry cordwood from and between the points aforesaid into the city of Kingston, at a rate per car not exceeding the said rate of \$9 per car as aforesaid.

3. No irregularity in the form of the said debentures to be issued for said bonuses, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Irregularities  
not to invali-  
date debentures. . .

## CHAPTER 63.

An Act to confirm a certain agreement between the City of Kingston and certain Railway Companies.

[Assented to 23rd March, 1889.]

WHEREAS a certain agreement bearing date the ninth day of February, A.D., 1889, has been made by the Napanee, Tamworth and Quebec Railway Company of the first part, the Kingston and Pembroke Railway Company of the second part and the corporation of the city of Kingston of the third part ; and whereas the said corporation of the city of Kingston and the said railway companies have by their several petitions prayed that the said agreement may be confirmed, made valid and binding ; and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement  
set out in  
schedule  
confirmed.

1. The said agreement made by the Napanee, Tamworth and Quebec Railway Company of the first part, the Kingston and Pembroke Railway Company of the second part and the corporation of the city of Kingston of the third part, and which is set out in and forms the schedule to this Act, in so far as it is within the power of the Legislature of the Province of Ontario so to enact, shall be and the same is hereby confirmed and made valid and binding to the same extent and in the same manner as if the several clauses thereof were set out and enacted herein as part of this Act, and the execution of the said agreement by the corporation of the city of Kingston, is hereby declared to be legal and binding on the said corporation for all the purposes in said agreement mentioned.

Carriage of  
cordwood.

2. The Napanee, Tamworth and Quebec Railway Company shall at all times carry cordwood from Tweed and points between Tweed and Harrowsmith to the city of Kingston at a rate not to exceed \$9 per car carrying six cords of dry wood or twelve tons of green or soft or wet wood, provided the Kingston and Pembroke Railway Company afford the facilities in said agreement mentioned, and further that the wood shall be loaded and unloaded by the consignors or consignees at his or their own expense, and that the cars are loaded and unloaded with all reasonable despatch: Provided, however, that if the Napanee, Tamworth and Quebec Railway Company provide a new line of its own into the city of Kingston in lieu of the connection between Yarker and Harrowsmith and user of the Kingston and Pembroke Railway Company's line as in the agreement in the schedule to this Act annexed mentioned, the said Napanee, Tamworth and Quebec Railway Company, shall carry out the provisions of this section for the carriage of cordwood by such new line. This section shall be binding on the successors, lessees and assigns of the said last mentioned company and any company with which it may amalgamate or form a part or which may own, control or work the lines and works of the railway companies.

Proviso.

Junction at  
Yarker.

3. It shall be lawful for the council of the corporation of the city of Kingston to consent by by-law that the connection at Yarker, in said agreement mentioned, may be made on lots 41 or 42, in the first concession of the township of Camden, instead of within the limits of the said second concession of said township, and that the said connection may be made with the use of a Y on said lots numbers 41 or 42.

## SCHEDULE.

THIS DEED, made (in triplicate) this ninth day of February, in the year of Our Lord, one thousand eight hundred and eighty-nine.

*By and Between* the Napanee, Tamworth and Quebec Railway Company, hereinafter called "The Napanee Company," of the first part; the Kingston and Pembroke Railway Company, hereinafter, called "The Kingston Company," of the second part; and the corporation of the city of Kingston, hereinafter called "The City," of the third part.

*Whereas*, the city has granted to the Napanee Company a bonus of \$75,000, to aid and assist the said company by a by-law entitled A by-law to aid and assist the Napanee, Tamworth and Quebec Railway Company, by granting a bonus thereto of seventy-five thousand dollars for the purpose and upon the conditions therein mentioned and contained, finally passed on the 17th day of December, 1888, and this deed is entered into by the parties thereto in connection with the granting of said bonus.

*Now this Deed Witnesseth*, that the parties hereto have and they hereby do, for the considerations hereinafter shown and expressed covenant, promise and agree, each with the other in the manner following, that is to say :—

1. The Napanee Company agree with the others that within twenty-four months from the thirty-first day of December, one thousand eight hundred and eighty-eight, they will extend their railway from Tamworth to the village of Tweed to a junction at that place with the Ontario and Quebec Railway, now worked by the Canadian Pacific Railway Company, and complete the same ready for use.

2. That they will also complete and put in working order an extension from a point on their line at or near Yarker, within the second concession of the township of Camden, to a point at or near Harrowsmith on the line of the Kingston Company, not further north than the gravel pit on lots numbers seven and eight, in the fifth concession of the township of Portland, and that the connections at Yarker and Harrowsmith aforesaid, shall be so made that a train can pass direct through from Tamworth to Kingston and *vice versa* without the use of a Y or turn-table, or reversing either engine or cars.

3. The Kingston Company in consideration of the above and of the further considerations hereinafter mentioned, hereby grant to the Napanee Company for all time to come, independent running powers for the Napanee Company's trains, engines and cars between such junction at or near Harrowsmith and the said city of Kingston and including the use at such junction and in the city of Kingston and points  
between

between, of the stations, sidings, terminal and other facilities present and future, for receiving and delivering, or either of passengers, goods and property, and equal running privileges except that the trains of the Kingston Company shall have precedence over the Napanee Company's trains of the same classes. The above shall include and it is intended to include the use of freight houses and all other, the appliances of the Kingston Company used by them, which are or may be necessary for the convenient or proper exercise of the powers above granted; and further the Kingston Company agree they will at cost, plus ten per cent., provide the Napanee Company with stores, fuel and water, when required, when on the said section of the line of the Kingston Company as aforesaid, also that they, the Kingston Company, will make any necessary repairs to cars and engines at cost price with ten per cent. thereon added to cover contingencies, if required.

4. The Kingston Company also agree with the Napanee Company that if required to do so, they will sell at their stations at Harrowsmith and Kingston and at all intermediate points and stations the tickets from said respective points on the Kingston Company's line to points on the line of the Napanee Company, and beyond if so arranged for by the said companies and so desired by said Napanee Company, and the Napanee Company will, at their said stations sell tickets from any points on the line of the Napanee Company to said city of Kingston, and also to any intermediate point between Kingston and Harrowsmith, both of said places included.

5. That if at any one or more of the said points on the line of the Kingston Company, the Napanee Company desire they may put in their own ticket clerks and freight clerks or either to sell tickets or book freight or both from said points or any of them to points on the Napanee Company's line or beyond, and that in such case the Kingston Company will afford office room and all freight accommodation in the offices and freight sheds and such like used by them, and reasonable facilities for doing the business.

6. That at Kingston and Harrowsmith, and at all stations between, the Kingston Company will receive and receipt for freight and receive and deliver freight, carried or to be carried over, or which shall arrive by the cars and trains of the Napanee Company consigned from or to such points respectively or beyond, and in all respects with the same care and despatch in the receipt of freight and in the delivery of freight and in the sale of tickets and in collecting (if required) the freight and charges on goods delivered by them for the Napanee Company which is necessary and usual on any well managed railway.

7. The Kingston Company shall in each week on such day, from time to time, as shall be agreed upon, account for and pay over to the Napanee Company all moneys received by them, the Kingston Company, under the terms of this agreement

ment for the Napanee Company and the Kingston Company shall be responsible to the Napanee Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them and their agents for the Napanee Company; and in like manner the Napanee Company shall in each week on said day or days as agreed upon, from time to time, pay over to the Kingston Company all moneys received by them, the Napanee Company, under the terms of this agreement, for the Kingston Company, and the Napanee Company shall be responsible to the Kingston Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them and their agents for the Kingston Company.

8. And the said, the Kingston Company and the Napanee Company, further agree, that the trains of the Napanee Company, while on the Kingston Company's line shall be worked under the rules and regulations of the Kingston Company, and shall be under their control.

9. That in working the order of precedence shall be as follows:—The passenger trains of the Kingston Company shall have precedence of passenger trains of the Napanee Company, passenger trains of the Napanee Company shall have precedence over mixed trains of the Kingston Company, mixed trains of the Kingston Company shall have precedence over mixed trains of the Napanee Company, and mixed trains of the Napanee Company shall have precedence over freight trains of the Kingston Company, and freight trains of the Kingston Company shall have precedence over freight trains of the Napanee Company; but each party shall in all cases use their best exertions to so work as to cause to the other the least possible inconvenience.

10. That from time to time the superintendents of both lines or other proper officers shall agree upon the time tables upon which the trains in so far as they relate to the Napanee Company between Harrowsmith and Kingston shall be worked and shall make regulations for the safe and convenient working of the trains between the points aforesaid which shall be obeyed and observed by their respective servants and agents.

11. For the purposes of this agreement the employees of the Kingston Company shall be regarded as the employees of the Napanee Company and the employees of the Napanee Company shall be regarded as the employees of the Kingston Company, and the section of the Kingston Company's railway between Harrowsmith and Kingston, both places included, for all purposes, shall be regarded as the railway of the Napanee Company as well as that of the Kingston Company, and each party hereto assumes for itself all loss arising from damage or injury from any cause to its own passengers, freight, employees or property, and all liabilities to third persons arising from its acts or the acts of its employees so defined. Any employee  
of

of either company on the line between Kingston and Harrow-smith, both places included, shall be removed on the reasonable complaint and request of one company to the other.

12. The Kingston Company further agree to keep and maintain their line and facilities hereinbefore mentioned at and between the said points on which said running powers are to be exercised in good working order: Provided, however, the Napanee Company shall, in case any defect comes to their knowledge, at once give notice thereof to the Kingston Company.

13. That if the Napanee Company at any time choose to do so they may establish and provide for themselves passenger stations, freight sheds, sidings and other conveniences, or any of them, in the city of Kingston and between Harrow-smith and Kingston, and in such case from the time they cease to use said Kingston Company's sidings and freight sheds or passenger stations, or any of them, a reasonable and proper reduction in the compensation herein agreed upon shall be made to the Napanee Company; if the amount of such reduction is not agreed upon, then the same shall be fixed by arbitration as hereinafter provided.

14. The Napanee Company may provide a line of their own to Kingston and may continue to use the terminal facilities in Kingston of the Kingston Company and in that case, to the extent the said line between Harrow-smith and Kingston stations or other facilities of the Kingston Company are not used the compensation to be paid as herein provided shall be reduced to such extent as may be agreed upon, or failing agreement as may be fixed by arbitration as hereinafter provided.

15. That the Napanee Company shall not carry local traffic, freight or passengers passing between Kingston and Harrow-smith, or either way, or to and from points between; the only traffic the Napanee Company shall take on the Kingston Company's line shall be traffic coming from and going to points beyond Harrow-smith, and which, but for this agreement, would change cars at Harrow-smith: provided, however, that if by accident or mistake, any passenger or passengers take the train or trains of the Napanee Company between said local points, or either of said local points, in every such case the Napanee Company shall pay over to the Kingston Company such proportion of the fare as may be in such case reasonable, and as the parties shall from time to time agree upon.

16. It is further agreed that the compensation to be made and paid by the Napanee Company to the Kingston Company for the services so rendered and the rights and facilities so granted as in this agreement contained, shall be ascertained and fixed thus:—For the purposes of this agreement, the rates and fares received by the Napanee Company for all passengers  
and

and freight from any point on their line to Kingston or to any point between Harrowsmith and Kingston, or from Kingston or any point between Kingston and Harrowsmith to any point on the Napanee Company's line, shall be divided on an equal or mileage rate for the distance carried, and that part thereof which at said rate may be earned on the Kingston Company's line shall be charged with the following payments:—The Napanee Company thereout shall pay towards the maintenance of the Kingston Company's line between Kingston and Harrowsmith, and the stations, sidings and terminal facilities of the Kingston Company, which they the Napanee Company may from time to time use, such proportion of the whole cost of said maintenance of the line and stations and facilities used as aforesaid, as the mileage of the Napanee Company's engines and cars shall bear to the whole mileage of engines and cars which may for the same time pass over the said section of the Kingston Company's line, but in making such calculation a reasonable reduction shall be made from said whole mileage, for the non-user of any of said stations and facilities not used by the Napanee Company. And in case of the Kingston Company handling freight and booking passengers and traffic of and for the Napanee Company, the latter company from said portion of said receipts calculated as aforesaid on the said mileage basis, shall pay the Kingston Company a sum per passenger and per ton for said handled freight, which shall be the actual cost of handling said freight and booking said passengers and traffic, at the several stations between Kingston and Harrowsmith, Kingston included, and points between used by the Napanee Company, such cost to be the proportion of the whole cost of handling the freight and booking passengers and traffic at said stations at which the passengers and freight and traffic handled and booked for the Napanee Company, bears to the whole freight and passengers and traffic handled and booked at said stations, the intention being that the Napanee Company for business done for them in the respects aforesaid, shall only be charged actual and proper cost for the work done. And that for the use of the Kingston Company's line or such part thereof as may be used by the Napanee Company, between Kingston and Harrowsmith, both places included, and for the use of such of the stations and all other the facilities above mentioned used by the Napanee Company, from time to time, they the Napanee Company, out of the balance of said portion of said earnings of the Napanee Company on the Kingston Company's line, will pay to the Kingston Company such proportion as may from time to time be agreed upon by the Napanee Company and the Kingston Company, and failing agreement as shall be fixed by arbitration as in this agreement provided—but in fixing such compensation the capital account of either party and the interest on capital account or the salaries of the officers of either party shall not be considered or form any element in the calculation; and for the convenience of the said parties hereto, the arbitrators shall  
fix

fix the compensation to be paid out of the said portion of the balance of income applicable to the said section of the Kingston Company's line under this agreement as above specified, at a rate per ton per mile on freight and a rate per passenger per mile or upon the wheel basis as the arbitrators may deem just, or elect between said companies, parties hereto. The provisions above contained shall apply from time to time as and according to the use for the time being the Napanee Company may make of the line, stations and facilities of all kinds of the Kingston Company at and between the points aforesaid.

17. That for all matters pertaining to this agreement, each party shall keep correct accounts and shall give to the other full and free access to all papers, books and accounts, and give each to the other all reasonable information necessary to enable each party to see that all business is carried on properly and that all accounts are correctly kept and rendered.

18. That in case of dispute as to the observance of this agreement by either company, in each of such cases, unless the parties can agree otherwise, the same shall be settled by arbitration as hereinafter provided.

19. The compensation for the use of the line and facilities above agreed upon, unless it is thought proper in the meantime by mutual consent to change the same, shall continue in force for five years—when if either party so desire, a readjustment shall be made, but if neither party so desire, then the same shall continue for the further period of five years; but no adjustment made shall continue for a longer period than five years, unless by mutual consent. The intention being, that if from time to time the then existing adjustment as to compensation for the use of the line and facilities works unjustly or unfairly to either party, and that readjustment is not agreed upon, the then existing rate of said compensation shall not be binding for more than five years, but must be readjusted.

20. That this agreement shall be binding upon the Kingston Company, their successors and assigns, or any company with which they may amalgamate, and upon any person or persons or corporations whatsoever, which may from time to time, and for the time being, own or work the railway and works of the Kingston Company mentioned above, now used or owned or which may hereafter be used or owned by the Kingston Company or any part thereof, for the purposes of traffic to and from and on said railway, provided, however, and it is hereby agreed, that in the event of any said property owned or used as aforesaid, ceasing to be required for the purposes of the two companies aforesaid, in such case, nothing herein contained shall prevent the Kingston Company from selling or disposing thereof as they shall think proper.

21. The City and the Napanee Company mutually covenant and agree each with the other as follows, that is to say :—  
That

That they, the Napanee Company, will build and complete the said connection of their line from a point at or near Yarker, within the limits of the second concession of the township of Camden, to the line of the Kingston Company at or near Harrowsmith, and not further north than the gravel pit on lots seven and eight, in the fifth concession of the township of Portland, within fifteen months from the thirty-first day of December, one thousand eight hundred and eighty-eight, and the said connection shall be made in such manner, that a train can pass directly through from Tamworth to Kingston, and *vice versa* without the use of a Y or turntable or reversing either engine or cars, and also that they will complete their line ready for use from Tamworth to Tweed above named, in the manner above in this agreement mentioned within twenty-four months from the thirty-first day of December, one thousand eight hundred and eighty-eight.

22. That the Kingston Company, their successors and assigns, and the owner or owners, for the time being, of the property, railway and facilities now owned or used by the Kingston Company, or any part thereof, required for the purpose of carrying out this agreement in good faith, keeping and performing this agreement and affording the running powers and other facilities, present and future, above provided for between said junction and the city of Kingston as aforesaid, and points between, to the extent in the said city by-law and in this agreement above mentioned, in the manner and on the terms above expressed, the Napanee Company will, as soon as the said extensions are completed as above provided and according as the same are so completed, from thenceforth maintain a train service between Tamworth and Kingston and between Tweed and Kingston as aforesaid, with not less than one passenger and freight train, that is, not less than one mixed train for the accommodation of local passenger and merchandise traffic daily (Sundays excepted) from Tamworth and Tweed aforesaid, timed to arrive at Kingston aforesaid between the hours of 8 and 10 in the forenoon, and one such train timed to leave Kingston aforesaid between the hours of 1 and 8 in the afternoon: Provided, however, that a train such as above mentioned from Tweed stopping at Tamworth and way stations and a like train to Tweed stopping at Tamworth and way stations shall be a compliance with this covenant; and it is hereby further agreed that the Kingston Company in all things keeping their agreement with the Napanee Company as above expressed, in case of default by the Napanee Company the city may, by injunction or otherwise, compel the maintenance of such efficient train service besides having any further satisfaction that may be open to the said the city, and further, that they the Napanee Company will not charge any less rate per mile for passengers and freight between points on their line and Napanee, or any extension beyond Napanee, than between said points and Kingston: Provided, however, and it is hereby declared that in case by any means the Napanee Company are  
deprived

deprived, without default on their part, of the facilities above agreed to be provided by the Kingston Company no such injunction or remedy shall exist as against the Napanee Company.

23. And in consideration of the covenants above expressed and the covenants, stipulations and provisions hereinafter contained the city covenant and agree with the Napanee Company that they, the city, shall and will pay the Napanee Company the sum of seventy-five thousand dollars by way of bonus and not as a loan, in the manner and on the terms following, that is to say :—

24. The sum of twenty-five thousand dollars on the completion of the said extension from at or near Yarker to the line of the Kingston Company at the point as above provided, with daily trains, as aforesaid, running between Tamworth and Kingston, and the said extension between Tamworth and Tweed being under construction, and the sum of fifty thousand dollars on the completion of the said extension from Tamworth to Tweed, with daily trains, as aforesaid, running between Tweed and Kingston, but out of the last mentioned sum payments on account of the last mentioned extension shall be made at the rate of two thousand dollars per mile as sections of five miles in length from Tamworth aforesaid, westward, are completed to the satisfaction of Thomas O. Bolger of Kingston, C.E. The inspection and approval by the Dominion Government Engineer to be conclusive as to the right of the Napanee Company to the payment of the bonus mentioned.

25. It is further agreed, that the said extensions shall be laid with steel rails weighing not less than 56 lbs. to the yard, and be equal in character and construction to the other portion of the company's railway already constructed.

26. That the connection between the line of the Kingston Company and the Napanee Company above mentioned shall be completed within the period above mentioned, and the said extension to Tweed within the time also above mentioned, and in default thereof then said debentures and coupons, or the unearned portion thereof, shall become null and void and the Napanee Company shall have no claim thereto.

27. It is also agreed, that all the said interest coupons which may accrue due before the Napanee Company becomes entitled to the bonus granted by the city as aforesaid, shall be detached from the said debentures and delivered by the trustees to the said treasurer of the city, for the benefit of the city, as they accrue due.

28. The Napanee Company shall only be entitled to interest on the moneys or debentures payable to them, the Napanee Company, from the respective dates or times on which the several payments to be made on account thereof respectively as herein provided become payable, and from such dates or times each payment only as it becomes due shall bear interest.

29. The city shall have the right, by the sale of debentures or otherwise, to pay said aid in cash instead of by said debentures or by debentures at a par value. In case the city pay in cash the debentures and coupons shall be handed back to the treasurer of the city for the purposes of the city.

30. The Napanee Company shall give the trustees fifteen days notice of any application for said debentures or any of them.

31. That should the Napanee Company at any time provide a line of railway of their own, connecting with the city of Kingston, in such case this agreement, so far as respects the user of the Kingston Company's line, to be at an end; but the provisions of this agreement on the part of the Napanee Company as to trains and train service shall remain in full force and be binding on the Napanee Company, and the said connection and train service shall be accepted by the city as a satisfaction of the obligation of the Napanee Company under this agreement with the city.

32. The Kingston Company covenant and agree with the city that the covenants, conditions and provisoes on their part in this agreement contained shall be binding upon them, their successors, lessees and assigns, and any company with which they may amalgamate or become a part, and upon all persons or corporations whomsoever owning or controlling the railway and properties now owned, occupied or controlled by them, the Kingston Company, for the time being, and the several parts thereof, and that the Kingston Company and all their successors in possession as aforesaid shall and will carry out the same fully and in all respects according to the spirit, true intent and meaning thereof. The Napanee Company covenant and agree with the city, and also with the Kingston Company, in like manner that this agreement shall be binding upon the Napanee Company, their successors, lessees and assigns, or any company with which they may amalgamate or become a part who shall fully and in all respects carry out the same in like manner as aforesaid.

33. It is further agreed by and between the Napanee Company and the Kingston Company, that the Napanee Company may, under the superintendence of the officers of the Kingston Company, do their own shunting at Kingston and other stations included in this agreement between Kingston and Harrow-smith, both places included, or the Kingston Company will at any time and from time to time, on the request of the officers of the Napanee Company, do the shunting or any part thereof at Kingston at such a proportion of the whole cost of shunting as may be agreed upon, or in case of dispute as shall be settled by arbitration as herein provided.

34. It is hereby further agreed by and between the Kingston Company and the Napanee Company that if any dispute shall arise as to the working out of this agreement between  
the

the Kingston Company and the Napanee Company all and each and every such dispute shall be settled by arbitration; that in such case each party shall within twenty days after being notified in writing by the other party appoint one competent disinterested person, these two shall within twenty days thereafter appoint a third, and the award of the said three persons or any two of them shall be final and conclusive.

35. Provided, however, that it shall be competent for the said two companies to agree upon one arbitrator whose decision shall be final, as aforesaid.

36. That if the question of the compensation for the use of the Kingston Company's line and facilities by the Napanee Company is left to arbitration as above in section 16 provided, any award shall only remain in force for five years from its date, unless the parties agree otherwise; provided however that it shall be competent for the said two companies to alter, change and vary said terms as often as they may think proper to do so. In case of an arbitration, thirty days' notice shall be given, so as to enable each party to properly attend the same.

37. It is further agreed, that the Kingston Company shall not carry passengers or freight from Harrowsmith to Kingston or Kingston to Harrowsmith, or points between at a less rate per mile than is charged by the Napanee Company for freight or passengers carried by them over said section of the Kingston Company's line to or from points on the Napanee Company's line.

38. It is also agreed, that so long as the Napanee Company use in Kingston the freight sheds of the Kingston Company for the purposes of their freight business the Kingston Company shall do the cartage of the Napanee Company, but at the same rates and not more than they charge to or receive from those doing business with the Kingston Company for such like services.

39. It is also agreed, that the compensation above agreed for as to maintenance, handling freight, and booking passengers, and use of line, stations and other facilities shall be paid monthly, on such day in each month as the parties from time to time may agree upon, and that when and so often as the sums payable to the Kingston Company are fixed and agreed upon by the parties hereto or shall be fixed by final judgment, and that if the same shall remain thirty days in arrear the Kingston Company, until said sum is paid, may retain the moneys which under this agreement they may collect and receive for or on account of the Napanee Company under this agreement.

40. It is also declared and agreed, that this agreement supersedes all other documents signed or sealed by either party hereto in relation to the subject matters of this agreement.

41. That the said covenants for compensation and the mode of fixing the same shall apply to the use of such or all of the rights and privileges above contemplated, or such of them as from time to time may be used by the Napanee Company according to the spirit and intentions above expressed.

42. Each party hereto hereby covenants with the other to observe, perform and keep the above agreement according to the spirit, true intention and meaning thereof.

43. The Kingston Company shall not take or carry freight or passengers to Harrowsmith from Kingston or intermediate points between Kingston and Harrowsmith which are going beyond Harrowsmith to points on the Napanee Company's line or points beyond *via* the Napanee Company's line, but all such shall be handed over to the Napanee Company at the point of departure.

44. That in case either party do not appoint its arbitrator, as provided in clause 34 of this agreement, or in case the two arbitrators mentioned in said clause 34 of this agreement do not agree upon the third arbitrator as mentioned in said clause, then such arbitrator or such third arbitrator may be appointed by the Chief Justice or any Justice of any of the Divisions of the High Court of Justice at Toronto, on the application of either party on twenty days' notice to the other.

In witness whereof the said parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and delivered  
in the presence of

R. C. CARTER.

(Sgd.) WM. R. AYLSWORTH,

*Vice-President The Napanee, Tamworth  
and Quebec Railway Company.*



(Sgd.) C. F. GILDERSLEEVE,

*President Kingston and Pembroke  
Railway Company.*



(Sgd.) J. DUNCAN THOMPSON,

*Mayor.*



## CHAPTER 64.

An Act respecting a certain Railway Debenture debt of the United Townships of Laxton, Digby and Longford.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the corporation of the United Townships of Laxton, Digby and Longford have by their petition represented that there was authorized under their by-law passed on the sixth day of May, 1871, a debenture debt of \$25,000 in aid of the Toronto and Nipissing Railway Company, maturing on the first day of November, 1889, but that by an agreement with the said railway company the said corporation were relieved of one-half of the liability proposed to be created under the said by-law, and that only the sum of \$5,500 will be available to meet the said debt, leaving a balance or deficiency of \$7,000; and whereas the said corporation by their petition have prayed that an Act may be passed to empower them to pass a by-law to borrow on new debentures of the said corporation the said sum of \$7,000, payable with interest thereon in twenty years at furthest from the said first day of November, 1889, in manner hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass by-laws for issue of debentures.

1. The corporation of the United Townships of Laxton, Digby and Longford, for the purpose of paying off and retiring the \$7,000 mentioned in the preamble to this Act, may pass a by-law authorizing the issue of new debentures of the said corporation for the said sum of \$7,000, and for the payment of interest thereon, payable in twenty years at furthest from the first day of November, 1889, in accordance with either of the sections 340 or 342 of *The Municipal Act*; provided always that such by-law shall in all respects conform to and comply with the provisions of the said *Municipal Act* and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said United Townships of Laxton, Digby and Longford to the passing of such by-law; and provided further that the said new debentures and all moneys arising therefrom shall to the full extent thereof be applied only to paying off the said sum of \$7,000 and interest required for the above recited purpose, and for no other purpose whatsoever.

Rev. Stat. c. 184.

## CHAPTER 65.

## An Act respecting the City of London.

[Assented to 23rd March, 1889.]

**W**HEREAS the municipal council of the corporation of Preamble.  
the city of London has presented its petition, praying that a certain by-law passed by the said municipal council on the 6th day of September, 1886, entitled By-law No. 302, to provide for granting a bonus of \$25,000 to secure the making of London the chief divisional point on the line of the Canadian Pacific Railway Company's proposed line between Toronto and the River Detroit, may be declared valid and binding, and that the said municipal council may be given power to further extend the time for the performance of the conditions mentioned in the said by-law, and has also presented its petition praying for authority to borrow money for public school purposes, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said recited by-law is hereby confirmed and declared By-law confirmed.  
to be binding upon the corporation of the city of London and the ratepayers thereof according to the terms and subject to the conditions thereof.

2. The said municipal council may by by-law from time to Power to extend time for performance of conditions.  
time extend the time for the performance of the conditions mentioned in the said by-law, or any of them, for any period not exceeding five years from the final passing of the said by-law, and such by-law shall not require the assent of the ratepayers.

3. The said bonus may be paid to the West Ontario Pacific Payment of bonus.  
Railway Company, the Ontario and Quebec Railway Company, or the Canadian Pacific Railway Company, as the said municipal council may direct.

4. The provisions of section 7 of the Act passed in the 35th year of Her Majesty's Reign intituled "*An Act respecting the Debt of the City of London*," or of any Act or law, shall not prevent the passing of by-laws by the said municipal council for borrowing money or incurring debts or liabilities for public school purposes to the amount not exceeding in the aggregate the sum of \$100,000, if the by-laws for so doing shall be submitted for and receive the assent of the ratepayers, according to the provisions of *The Municipal Act* and any Act amending Power to borrow for school purposes notwithstanding 35 V., c. 75, s. 7.  
the same. Rev. Stat., c. 184.

## CHAPTER 66.

## An Act respecting the Municipality of Neebing.

[Assented to 23rd March, 1889.]

Preamble.

**W**HEREAS the corporation of the municipality of Neebing, has by its petition prayed that its by-law numbered 73 be legalized, subject to certain conditions, and for further powers with respect to railway companies; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 73  
of the municipi-  
pality of  
Neebing, con-  
ditionally  
legalized and  
validated.

1. By-law numbered 73 of the corporation of the municipality of Neebing, passed on the 27th day of August, 1888, granting a bonus of \$120,000 from the township of McKellar to the Canadian Pacific Railway Company, which by-law is set out in full in the schedule "A" appended to this Act, is hereby declared valid, but the said by-law shall not take effect unless and until the council of the municipality of Neebing shall pass a resolution in that behalf.

Powers with  
respect to rail-  
way com-  
panies and  
manufac-  
turing estab-  
lishments.

2. The corporation of the municipality of Neebing may pass by-laws for the following purposes, or any of them, that is to say; (a) to exempt from municipal taxation, in whole, or in part, the real and personal property of any railway company within the territorial limits of the said municipality of Neebing, for a period not exceeding ten years and to renew any exemptions that may be made for a further period not exceeding ten years; (b) to enter into all contracts deemed necessary with any railway company with respect to municipal taxation, or the works or undertakings of any railway company in the said municipality of Neebing; provided however, that any such by-law shall, before its final passing receive the assent, in the manner provided in *The Municipal Act* for obtaining the assent of ratepayers, of the ratepayers of the said municipality of Neebing, or of the township of Neebing, or of the township of McKellar, as the case may be, as follows, namely:—the assent of the resident ratepayers of the said municipality of Neebing, when the by-law shall declare or provide that the whole of the said municipality of Neebing is intended to be thereby affected, and the assent of the resident ratepayers of the said township of Neebing, or of the township of McKellar, respectively, as the case may be, when the by-law shall declare or provide that either the township of Neebing, or the township of McKellar shall thereby be solely affected; and provided further, that when the said municipal council of Neebing shall have received a requisition signed

Rev. Stat. c.  
184.

signed by two-thirds of the resident ratepayers entitled to vote on any such by-law of either of the said two townships of Neebing or McKellar, to submit to the ratepayers of either of such townships, respectively, a by-law for the purposes aforesaid, or any of them, then such a by-law shall be forthwith so submitted by the said municipal council of Neebing to the ratepayers of the township making the said requisition, and when such by-law shall have been assented to by the township ratepayers in manner aforesaid, it shall be finally passed in accordance with the provisions of *The Municipal Act*, by the said municipal council of Neebing; and the clerk of the said municipality of Neebing shall, with regard to any such by-law, in such case have all the powers, and perform all the duties of a clerk of a township in Ontario, with respect to a by-law submitted to a township for the assent of the ratepayers of a township; and provided also, that all liability with respect to taxes or rates or otherwise, under or arising out of any such by-law shall be confined to, be equally borne only by and attach only on the property and assets, or other legally available means, of the whole of the said municipality of Neebing, or either of the said two townships of Neebing or McKellar, respectively (as the case may be), which shall be declared or provided by the by-law in each particular instance, to be affected thereby.

Rev. Stat.  
c. 184.

## SCHEDULE "A."

### MUNICIPALITY OF NEEBING.

#### No. 7.

A By-law, No. 73, respecting a bonus of \$120,000 from the township of McKellar, to the Canadian Pacific Railway Company.

(a) Whereas by section 634 of *The Municipal Act*, every township is empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing for the like purpose debentures payable at such times and for such sums respectively, not less than \$20, and bearing or not bearing interest as the municipal council thinks fit, and for directing the manner and form of signing or endorsing any debentures so issued, and of countersigning the same, and by what officer or person the same shall be so signed, or countersigned, provided that the by-law, before the final passing thereof, receives the assent of the electors of the municipality in the manner provided by the said *The Municipal Act*; And whereas further by section 34 (635a) of *The Municipal Amendment Act*, 1888, it is provided that in addition to the powers conferred by the said section 634, a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway, under and subject to the provisions thereafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways; and (2) that before a by-law is submitted under that section to the vote of the ratepayers, a petition shall be presented to the council expressing the desire

to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged, by metes and bounds, or lots and concessions, and shall be signed by fifty freeholders resident in such portion of the township, being duly qualified voters under the Act; And it is by the said section 34 (635a) enacted that (3) the by-law shall in each instance provide (a) for raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the by-law, and (b) for assessing and levying upon all ratable property lying within the portion of the municipality defined in the by-law, an annual special rate sufficient to include a sinking fund for the payment of the debentures within twenty years, with interest thereon payable yearly, or half-yearly, which debentures the councils, reeves and other officers of the municipality are thereby authorized to execute and issue in such cases.

(b) And whereas the municipality of Neebing was organized by the Act of 44 Victoria (1881), Chapter 43, and is composed of the township of McKellar and other townships and portions of what had been the municipality of Shuniah, then therefrom withdrawn and constituted a body corporate under the name of "The Corporation of the Municipality of Neebing," which by the said last mentioned Act had conferred on it all the rights, powers, liabilities and incidents of a township municipality, and also on its council, power to pass by-laws for such purposes as are provided for townships under the said *The Municipal Act*.

(c) And whereas although by Section 5 of an Act respecting the municipality of Neebing, being 49 Victoria (1886), Chapter 60, it is provided that no liability extending over a term of years shall be incurred and no bonus shall be granted by the said municipality to any railway without the assent of the majority of duly qualified ratepayers in each individual township, yet it is thereby provided that nothing therein contained shall prevent any individual township from incurring such liability on its own behalf pursuant to the provisions of any general law in that behalf, and by the 9th section of the said last mentioned Act it is declared that all that part of the municipality of Neebing which composes the McKellar Ward shall for the purposes of such Act be the township of McKellar.

(d) And whereas by Section 320 of the said *The Municipal Act* it is provided that to render valid a by-law of a municipality for granting a bonus in aid of a railway the assent shall be necessary of two-fifths of all ratepayers who are entitled to vote as well as a majority of the ratepayers voting on the by-law. ●

(e) And whereas more than two-fifths of all the ratepayers of the said township of McKellar have petitioned the council of the said municipality of Neebing that they desire to grant a bonus to the Canadian Pacific Railway of \$120,000 in aid of such railway and that it is necessary to raise by way of loan upon the credit of the corporation of the Municipality of Neebing the said sum, and to provide for the levying of the requisite rates on the ratable property of and in the said township of McKellar sufficient to meet the specific sum to be raised annually for the payment of the debt and interest during the currency of the debentures, and they have also petitioned this municipality to introduce and finally pass this by-law, and it is expedient to accede to the wishes of the said petitioners.

(f) And whereas (a) the amount of the debt which this by-law is intended to create is \$120,000, that the object for which such debt is to be created is to grant the said bonus of \$120,000 by way of aid to the Canadian Pacific Railway Company to make and establish and carry out, in the said Township of McKellar, improvements in the way of buildings, erections, works and undertakings for the purposes of its railway; and whereas (b) the total amount required by the said *The Municipal Act*, to be raised annually by special rate for paying the debt and interest intended to be created by this by-law is \$11,250; and whereas further (c) the amount of the whole ratable property of the said Township of McKellar according to the last revised assessment roll is \$510,620; and whereas further (d) there is no existing debenture debt of the said Town-

ship of McKellar, and the existing debenture debt of the said Municipality of Neebing is \$38,000, whereof \$35,000 is on debentures issued by the municipality of Shuniah while the municipality of Neebing was part thereof, and which, as between the said municipalities, has been apportioned by the Act respecting the town of Port Arthur and the municipalities of Shuniah and Neebing, being 51 Victoria, (1888) chapter , and there is no part of the principal or interest on the said debenture debt in arrear. Therefore, the Council of the Corporation of the Municipality of Neebing enacts as follows :—

1. By way of bonus to the Canadian Pacific Railway Company from the Township of McKellar, in the municipality of Neebing, the said municipality grants to the said Railway Company, in aid of such railway, the sum of \$120,000, and it shall be lawful for the reeve of the said municipality to raise by way of loan, upon the security of the debentures hereinafter mentioned, from any person or persons, or corporation or corporations who may be willing to advance the same upon the credit of such debentures a sum of money not exceeding in the whole the sum of \$120,000, and to cause the same to be paid into the hands of the treasurer of the said municipality for the purposes and with the objects above recited.

2. It shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required for the purposes of this by-law, either in currency or sterling money, not less than one hundred dollars currency of twenty pounds sterling each, and not exceeding in the whole the sum of \$120,000 as in the immediately preceding section mentioned, and that the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve, being the head of the said corporation, and also by the clerk of the said municipality.

3. The said debentures shall be made payable in twenty years from the date when this by-law shall take effect, either in currency or in sterling, in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of six per centum per annum from the date thereof, which interest shall be payable half yearly on the first days of September and March in each year at the place where the said debentures shall be made payable in this Province, Great Britain or elsewhere.

5. During twenty years, the currency of the debentures to be issued under the authority of this by-law there shall be raised annually for the payment of interest on the said debentures and for the repayment of the said debenture debt the specific sums following, that is to say, the sum of \$7,200 annually for payment of interest on the said debentures during the currency thereof and also the sum of \$4,050 annually, being such a sum in settling which the rate of interest on investments has been estimated at not more than five per cent. per annum capitalized yearly as will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of \$11,250 to be raised annually as aforesaid.

6. Such annual sum shall be raised and levied in each successive year during the twenty years next after this by-law shall take effect by a special rate sufficient therefor on all the ratable property in the township of McKellar.

7. The said sum of \$120,000, when raised on the said debentures, and obtained, shall be applied by the corporation of the municipality of Neebing for the purposes of the said bonus from the said township of McKellar to the said the Canadian Pacific Railway Company and according to the true intent and meaning of this by-law.

8. The debentures to be issued under the authority of this by-law shall contain a provision in the following words: "This debenture or any interest therein shall not after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation be transferable except by entry by the treasurer or his deputy in the Debenture Registry Book of the said corporation at his office in the said municipality."

9. The day in the financial year in which this by-law is passed when it is to take effect shall be and for that purpose this by-law names the first day of September, 1888.

10. The votes of the electors being the rate payers entitled to vote on this by-law of the said township of McKellar will be taken on this by law by the clerk of the said municipality of Neebing, the returning officer in that behalf, on Wednesday, the 18th day of July, 1888, commencing at nine o'clock in the morning, when the polls shall be opened, and continuing until five o'clock in the afternoon, and no longer, at Arch. McLaren's storehouse, S. side River Road, in the township of McKellar.

11. On the Monday, the sixteenth day of July, 1888, at the said Arch. McLaren's storehouse, in the said township of McKellar in the said municipality of Neebing at eleven o'clock in the forenoon, the reeve of the said municipality or the then head thereof shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the clerk of the said municipality and one person to attend at the said polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

12. The clerk of the council of the said municipality of Neebing shall attend at the said polling place in the said township of McKellar at noon on Thursday, the nineteenth day of July, 1888, to sum up the number of votes given for and against this by-law and at the said time and place in presence of the persons authorized to attend or such of them as may be present, then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors voting upon this by-law have approved or disapproved thereof, and the said clerk in case of the majority of votes being in favour of this by-law shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be two-fifths of all the voters who were entitled to vote on this by-law.

COUNCIL CHAMBER,

FORT WILLIAM (West),

In the Municipality of Neebing,  
27th August, 1888.

JOHN MCKELLAR,  
Reeve.

JNO. R. BROWN,  
Clerk. [SEAL]

## CHAPTER 67.

An Act to enable the Corporation of the City of Ottawa, to issue Debentures for Water Works purposes.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS the municipal council of the corporation of the city of Ottawa, have by their petition represented that the limits of the municipality have been recently extended so as to include within the said city of Ottawa, certain villages and adjacent lands, and that the inhabitants of such villages and adjacent lands should have the water works system of the

the city of Ottawa improved and extended for the purpose of supplying them with water, and that it is impossible to meet the wants of the said inhabitants otherwise than by borrowing the money to do so by the issue of debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the council of the corporation of the city of Ottawa, for the purpose of enlarging and improving the water works system of the city of Ottawa, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding \$150,000, in such sums of not less than \$100, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form A, in the schedule to this Act set forth; which said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable, either in sterling or currency, in Great Britain, in this Province or elsewhere as to the council of the corporation of the city of Ottawa shall seem expedient.

Power to borrow for water works purposes.

2. For the purpose of providing a sinking fund for the payment of the said debentures, and the interest on the same, semi-annually, the council of the corporation of the city of Ottawa shall raise, annually, from the water rates, and with the authority conferred upon them in and by the Act of the Legislature of this Province, intituled, "*An Act for the construction of Water Works for the City of Ottawa*," and the Acts amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures; and shall also raise annually, a further sum not less than one and one-half per cent. on the principal of the said debentures sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the moneys required to be raised, to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the water works debentures already issued and for the payment of the sinking fund, amounting annually to \$11,700, as required by section 14 of *The Act to consolidate the Debenture debt of the City of Ottawa*, passed in the forty-first year of Her Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, "*An Act respecting the City*"

Provisions to be made for payment of debentures.

of

of *Ottawa*," passed in the fiftieth year of Her Majesty's reign, and chaptered 59, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Deficiency, if any in amount required for payment of debentures to be raised by special rate.

3. If, from any cause, the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest, and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa, and they are hereby authorized and required, when, and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner, and with the like powers as shall exist in respect to municipal assessments, rates, and taxes, and out of the proceeds thereof, to pay and discharge all sums of money for interest or principal which shall or may be due, or accruing due, to meet the interest and sinking fund, to pay the debentures herein authorized to be issued.

Assent of electors not required.

Rev. Stat. c. 184.

4. The by-law or by-laws of the said corporation, passed under the authority of this Act, shall not require to be submitted to, or to have the assent of the electors of the said city before the final passing thereof; nor shall it be necessary that any of the provisions of *The Municipal Act*, relating to by-laws for creating debts be complied with.

Irregularities not to invalidate debentures.

5. No defect in substance or in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

## SCHEDULE.

### WATER WORKS DEBENTURES.

No. . \$  
 PROVINCE OF ONTARIO,  
 City of Ottawa.

Under and by virtue of the Act passed in the fifty-second year of the reign of Her Majesty Queen Victoria, and Chaptered , and by virtue of By-Law No. , of the Corporation of the City of Ottawa, passed under the powers contained in the said Act.

The Corporation of the City of Ottawa, promise to pay the bearer, at the sum of , in , on the day of , A.D. , and the half-yearly coupons hereto attached as the same shall severally become due.

Mayor.

Treasurer.

## CHAPTER 68.

## An Act to amend the Act incorporating the Township of Pelee.

[Assented to 23rd March, 1889.]

**W**HEREAS the corporation of the township of Pelee, in the county of Essex, as well as a number of the ratepayers of the said township, have, by their petitions, prayed that certain amendments may be made to the Act passed in the thirty-first year of Her Majesty's reign, incorporating the said township as a separate municipality, and have also set forth in the said petitions that such amendments are required by the increase of population and business in the said township; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1—(1)** Sub-section 1 of section 1 of the Act incorporating the township of Pelee, passed in the thirty-first year of Her Majesty's reign, and chaptered 51, is hereby amended by substituting the word "four" for the word "two," before the word "councillors" in the said sub-section. 31 V. c. 51,  
s. 1, sub-s. 1,  
amended.

**(2)** The municipal council of the township of Pelee shall have the powers provided by section 94 of *The Municipal Act*, for the division of the township into wards for municipal purposes. Rev. Stat.  
c. 184.

**2.** The municipal council of the township of Pelee and their treasurer, clerk and assessor or assessors, for the time being, shall perform all the duties and exercise all the powers conferred upon the corporations and officers of cities and towns by section 121 and following sections of *The Assessment Act* in regard to arrears of taxes and sales of lands for taxes. Sales of lands  
for taxes.  
  
Rev. Stat.  
c. 193.

**3.** The municipal council of the township of Pelee shall have power to pass by-laws for licensing, regulating and governing hawkers or petty chapmen and other persons, as provided by sub-section 3 of section 495 of *The Municipal Act*. Licensing  
hawkers and  
petty chapmen.  
  
Rev. Stat.  
c. 184.

**4.—(1)** The municipal council of the township of Pelee shall forthwith divide the township into four wards for the purpose of representation on the board of public school trustees, and there shall be two school trustees for each ward, whose term of office shall be subject to the provisions of section 95 of *The Public Schools Act*. Division of  
township into  
wards for  
school elec-  
tions.  
  
Rev. Stat  
c. 225.

(2)

(2) The said by-law shall not go into effect until approved by the Lieutenant-Governor in Council.

Commence-  
ment of Act.

5. Sections 1 and 3 of this Act shall come into force on the first day of January, 1890, and sections 2 and 4 shall come into force from and after the passing hereof.

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## CHAPTER 69.

### An Act respecting the Town of Port Arthur.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS, the corporation of the town of Port Arthur has, by its petition, prayed for further powers with respect to its dealings with railway companies; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
make agree-  
ments with  
railway  
companies as  
to taxes.

1. The corporation of the town of Port Arthur may pass by-laws:—(a) To exempt from municipal taxation, in whole or in part, the real or personal property of any railway company within the territorial limits of the town of Port Arthur, for a period not exceeding ten years and to renew any exemption that may be made for a further period not exceeding ten years; (b) To remit any taxes heretofore levied or assessed on railway companies in the said town; and (c) to enter into all contracts deemed necessary with any railway company with respect to the works and undertakings of the company in the town of Port Arthur, and to municipal taxation, provided that any such by-law, including as well any by-law for the renewal of exemptions as for any other purpose, shall, before its final passing, receive the assent of the rate-payers in the manner provided by section 320 of *The Municipal Act*.

Rev. Stat. c.  
184.

## CHAPTER 70.

An Act to provide for the Extension of the Water-works of the City of St. Catharines and for other purposes.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the city of St. Catharines Preamble. have by their petition represented that under the Act of Parliament of the late Province of Canada, passed in the 20th year of Her Majesty's Reign, chaptered 91, intituled "*An Act for the Construction of Water-works in the Town of St. Catharines*," and the Act of the Legislative Assembly of the Province of Ontario, passed in the 39th year of Her Majesty's Reign, chaptered 47, amending the same, and the Act of the Legislative Assembly of the Province of Ontario, passed in the 41st year of Her Majesty's Reign, chaptered 39, the sum of \$275,000 has been raised by the issue of debentures of the said corporation for the construction of water-works in said city, which sum was properly expended for that purpose, and that mains have been laid through a portion of said city, but by reason of the growth thereof and extension of its area, it is desirable and necessary for sanitary, fire and other purposes, that said mains should be extended and the water service increased, and that \$30,000 should be raised for that purpose by the issue of debentures of said corporation, and that power be given to said corporation to levy a special assessment over and above all rates and assessments already levied, for the purpose of paying the interest upon the debentures to be issued and creating a sinking fund for the payment as well of the debentures already issued as of those to be issued under the provisions of this Act, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The corporation of the city of St. Catharines may and they are hereby empowered to raise by loan upon the credit of the said corporation, in addition to the sums already raised under the authority of the several Acts in the preamble to this Act mentioned, a sum not to exceed the sum of \$30,000, for the purpose of extending, enlarging and altering the present water works of the said city and laying down water-pipes in the streets thereof, and for acquiring lands in any way necessary for such purposes from time to time, provided that no such loan shall be raised except after the passage of a by-law for that purpose to be submitted and assented to by the duly qualified ratepayers in that behalf as provided by *The Municipal Act* for the creation of debts. Authority to raise \$30,000 to extend water-works. Assent of electors required. Rev. Stat. c. 184.

Power to issue debentures.

2. Subject to the provisions in the preceding section mentioned and for the purpose of defraying the cost of the construction, extension, enlargement and alteration of said water-works and acquiring lands necessary for that purpose, the said corporation may issue debentures, not exceeding in the whole the sum of \$30,000, for such period as the council of said corporation may determine not to exceed thirty years from the date of issue thereof to bear interest at the rate of from four to six per cent. per annum, payable half-yearly, the proceeds thereof to be applied to the purposes aforementioned.

Validity of debentures.

3. No irregularity in the form of any of such debentures or of any by-law authorizing the issue thereof or the passage of the same shall render the debentures issued thereunder invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of said debentures and interest thereon.

Application of debentures.

4. The said debentures or the proceeds thereof shall be handed over by the mayor of said corporation to the water commissioners of said city to be by them expended in the construction, extension, enlargement and alteration of said water-works and acquiring lands necessary for that purpose as aforesaid, said expenditures to be made as follows: a sum not exceeding \$12,000 for the extension and enlargement of the reservoir, and the balance in laying mains.

Power to levy special rate.

5. For the purpose of assisting in the payment of the said debentures (if issued) and the interest thereon and of the debentures originally issued under the provisions of the several Acts mentioned and referred to in the preamble to this Act, it shall and may be lawful for the said corporation to assess, levy and collect a special tax or rate, in each year, after the passing of this Act, not exceeding four mills in the dollar upon the several properties, according to the assessed value thereof, fronting or abutting upon the streets in, through and along which the said water-works' mains are now or may hereafter be laid, as well as all other properties which may enjoy the advantage of use of water from the said mains for the purpose of protection against fire whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on the debentures to be issued under the provisions of this Act, and to form a sinking fund for the payment of all of said debentures; provided that the council of said corporation shall, upon the production by the owner or occupant using said water, of the receipt from the water commissioners, for the payment of the rent chargeable for the use thereof, during the then current year, or such proportion thereof as shall equal such special tax, remit, or allow to such owner or occupant the amount so paid to the said water commissioners as a payment *pro tanto* of the amount payable in respect of the special tax authorized to be levied by this Act.

Power to remit special tax.

6. From and after the passing of this Act all revenues arising from or out of the supplying of water or derived from the real or personal property connected with the said water-works shall, after deducting therefrom the cost of the maintenance and repairs of said works and mains and the necessary salaries and expenditure for superintendence and management thereof, be paid by the said water commissioners to the treasurer of said corporation quarterly, and the same shall be applied in payment of the interest on the debentures already issued and to be issued under the provisions of this Act, and for the creation of a sinking fund for payment of the principal thereof, and it shall be the duty of the said water commissioners, and they are hereby required to furnish to the said treasurer quarterly a detailed statement of all amounts paid to them during the then preceding quarter in respect of said water-works and of all amounts in arrear.

Application of  
revenue.

7. The said water commissioners shall also in the month of January in each year furnish to the council of said corporation a detailed statement of all expenditures made by them for and on account of the water works for the year ending the 31st day of December next preceding.

Annual state-  
ment of expen-  
diture.

8. Forthwith after the passing of this Act the said water commissioners shall make a return to the council of said corporation of all streets or parts thereof in, through and along which mains were laid up to the first day of January, A.D. 1889, and all lands fronting or abutting on said streets as well as other properties which may enjoy the advantage of use of water from the said mains for the purpose of protection against fire shall be liable to the special tax in section 5 of this Act mentioned from said last mentioned date, and the said water commissioners shall, during the month of January in each year thereafter, make returns of all streets or parts thereof, in, through and along which mains have been laid during the preceding year, and all lands fronting or abutting on such streets as well as other properties benefited in manner hereinbefore mentioned shall be liable to said special tax from and after the first day of January of the year in which such return is so made; and said returns of said water commissioners shall be final and conclusive to fix said special tax or rate to be levied as aforesaid on all lands fronting or abutting on streets named therein, and other lands as hereinbefore provided.

Commission-  
ers to make re-  
turn of streets  
in which mains  
are laid.

9. Nothing in this Act shall be taken to interfere with or impair the powers of said water commissioners as already established.

Powers of com-  
missioners not  
impaired.

10. If the treasurer of said water works or officer or person connected therewith having the custody or control of the moneys referred to in section 6 of this Act neglects or omits to pay

Penalty for  
not paying  
moneys over  
to treasurer.

pay over said moneys to the treasurer of said corporation as thereby required the party so offending shall forfeit for every such offence the sum of \$200, one moiety thereof to the use of said corporation and the other moiety with costs to such person as may sue for the same in any Court of competent jurisdiction.

42 V., c. 79, s.  
3 repealed.

**11.** Section 3 of chapter 79 of the Acts passed by the Legislative Assembly of the Province of Ontario in the 42nd year of Her Majesty's Reign, is repealed and the following enacted in lieu thereof, provided that section 9 of chapter 91 of the Acts passed in the twentieth year of Her Majesty's Reign, which was repealed by said section 3, shall not be revived :

9. The said water commissioners shall raise annually from the water rates or rents a sum sufficient to pay the interest and create a sinking fund for payment of the principal of the debentures issued for the construction of the said water-works and the expenses of maintaining and working the same and for that purpose shall from time to time fix the price, rate or rent which any owner or occupant of any house, lot or part of a lot, or both, fronting or abutting on streets in, through or along which the water-pipes shall run, as well as other properties which may be benefited as in section 5 hereof provided shall pay as water rate or rent whether such owner or occupant shall use the water or not, having due regard to the assessment, and to any special benefit or advantage derived by said owner or occupant, or conferred upon his, her or their property, by the water-works and the locality in which the same is situated, and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant shall be and continue a lien or charge (unless paid) upon such real estate in the same manner as municipal taxes, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable, and the said water commissioners shall have power and authority from time to time to fix the rate or rent to be paid for the use of the hydrants, fire plugs and public buildings.

Property  
pledged for  
payment of  
debentures.

**12.** All and every of the holders of the debentures to be issued under the authority conferred by this Act shall, subject to the charge thereon in favour of the debentures issued under the Act passed in the twentieth year of Her Majesty's Reign, chapter 91, and Acts amending the same, have a preferential pledge, mortgage, hypothec or privilege on said water-works, lands and property appertaining thereto for securing the payment of the said debentures and the interest thereon, and the said water-works and lands connected therewith shall be and are hereby specially charged, pledged, mortgaged and hypothecated for the payment of the said debentures and interest thereon.

**13.** All persons and corporations whomsoever who shall by themselves or their servants or agents by act, default, neglect, or omission occasion any loss, damage or injury to the water works or any plant, machinery, fitting-part or appurtenances thereof shall be liable to the said corporation or the said water-works commissioners for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the said corporation or water commissioners by suit in any Court of competent jurisdiction.

Liability for  
injury to  
works.

**14.** Section 4 of chapter 79 of the Acts passed in the forty-second year of Her Majesty's Reign is amended by striking out all the words of the new section thereof down to and inclusive of the word "and" in the fourth line of the said section.

42 V., c. 79, s.  
4 amended.

**15.** Section 23 of the Act passed by the Legislative Assembly of the Province of Ontario in the thirty-ninth year of Her Majesty's Reign, chaptered 47, is amended by inserting between the words "chamber" and "by" in the fifth line thereof the words "stop box, stop cock, valve chamber, hydrant, or water column."

39 V., c. 47, s.  
23 amended.

**16.** The said water commissioners are hereby authorized and empowered to construct and work a telephone line, solely for the use of said works between the reservoir at DeCew Falls and the offices of the said water works at the said city of St. Catharines.

Authority to  
construct tele-  
phone line.

**17.** Section 6 of chapter 79 of the Acts passed by the Legislative Assembly of the Province of Ontario in the forty-second year of Her Majesty's Reign is amended by striking out the words "placed as in the last section mentioned so as to lessen or alter the amount of water registered thereby, or so as to cause the quantity registered or used to be falsely indicated" in the first four lines of said section, and substituting therefor the words "or the position of the same after it has been set by the said water commissioners."

42 V., c. 79, s.  
6 amended.

## CHAPTER 71.

## An Act respecting certain railway debenture debts of the Township of Somerville.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the corporation of the township of Somerville have by their petition represented that they have, under their by-law No. 93, passed on the 17th day of January, 1870, incurred a debenture debt of \$15,000, in aid of the Toronto and Nipissing Railway Company, maturing on the first day of November, 1889, and under by-law No. 146, passed on the 11th day of July, 1874, incurred a further debenture debt of \$10,000, in aid of the Victoria Railway Company, maturing on the first day of June, 1894, and that only the sum of \$10,000 will be available to meet the said debts as they become payable, leaving a balance or deficiency of \$15,000; and whereas the said corporation by their petition have prayed that an Act may be passed to empower them to pass a by-law to borrow on new debentures of the said corporation the said sum of \$15,000, payable with interest thereon in twenty years at furthest from the said first day of November, 1889, in manner hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass  
by-law for is-  
sue of deben-  
tures.

1. The corporation of the township of Somerville, for the purpose of paying off and retiring the \$15,000 mentioned in the preamble of this Act, may pass a by-law authorizing the issue of new debentures of the said corporation for the sum of \$15,000, and for the payment of interest thereon, payable in twenty years at furthest from the first day of November, 1889, in accordance with either of the sections 340 or 342 of *The Municipal Act*, provided always that such by-law shall in all respects conform to and comply with the provisions of the said *Municipal Act* and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said township of Somerville to the passing of such by-law; and provided further that the said new debentures and all moneys arising therefrom shall to the full extent thereof be applied only to paying off the said sum of \$15,000 and interest required for the above recited purpose, and for no other purpose whatsoever.

Rev. Stat. c.  
184.

## CHAPTER 72.

## An Act to incorporate the Village of Sundridge.

[Assented to 23rd March, 1889.]

**W**HEREAS the inhabitants of the village of Sundridge, Preamble.  
in the district of Parry Sound, have by their petition represented that the said village has now a population of about six hundred and fifty persons and that the same is rapidly increasing; and whereas the inhabitants of the said village have petitioned to be separated from the municipality of Strong and formed into a corporate village, and have by their petition represented that the incorporation of the said village would promote its future progress and enable its inhabitants to make suitable regulations for the care and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. On and after the passing of this Act, the inhabitants of the said village of Sundridge, living within the boundaries hereinafter mentioned and described shall be and they are hereby constituted a corporation or body politic under the name of “The Corporation of the Village of Sundridge;” and shall have and enjoy all the rights, powers and privileges enjoyed and exercised by incorporated villages in the Province of Ontario, under the existing municipal laws of the said Province—and any amendments which may be passed affecting the same—except where otherwise provided by this Act. Village of Sundridge incorporated.

2. The said village of Sundridge shall be comprised and contained within the following boundaries, namely :—On the west by the road between lots 20 and 21, in the tenth concession of the said township of Strong; on the north by the line between the tenth and eleventh concessions of the said township; on the east by the road between lots 25 and 26, in the tenth concession of the said township, and on the south by the waters of Stoney Lake. Boundaries of village.

3. The nomination of, and first election for reeve and four councillors for the said village shall take place at the same time and shall be conducted in the same manner as provided by law for the nomination and election of reeve and councillors for incorporated villages, and Benjamin McDermott, Division Court clerk, or his successor as such clerk, shall act as returning officer at said nomination and election, and the duties of the said returning officer shall be the same as those required by law in respect of incorporated villages. First election.

4.

Qualification  
at first  
election.

4. For the first election the qualification of electors and of the reeve and councillors for the said village shall be the same as that required in townships.

Copy of  
assessment  
roll to be  
furnished by  
clerk of  
township.

5. The clerk of the township of Strong shall furnish the said returning officer upon demand being made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be necessary to ascertain the names of persons entitled to vote at such first election or with the collector's roll or any other writing or statement that may be required for that purpose.

By-laws.

6. All by-laws which are in force in the municipality of Strong shall continue and be in force as if they had been passed by the corporation of the village of Sundridge, and shall extend and have full effect within the limits of the village hereby incorporated until repealed by the new corporation.

Municipal  
Acts to apply.

7. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of all other general Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations, and other provisions of the said Acts, applicable to incorporated villages, shall apply to the village of Sundridge, in the same manner as they would have been applicable had the said village of Sundridge been incorporated under the provisions of the said Act.

Expenses of  
Act.

8. The expenses of obtaining this Act and of furnishing any copies of any documents, writings, papers or any matter whatever required by the clerk or other officer of the said village or otherwise shall be borne by the said village and paid to any person entitled thereto.

## CHAPTER 73.

### An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the corporation of the city of Toronto have by their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

35 V. c. 79,  
s. 13 amended.

1. Section 13 of the Act passed in the 35th year of Her Majesty's reign, chaptered 79, is amended by adding after the words "which shall be quarterly" in the eleventh line thereof, the words "or half yearly."

2.

2. Sub-section 7 of section 1 of the Act passed in the 49th year of Her Majesty's reign, and chaptered 66, is repealed, and the following substituted in lieu thereof:—

49 V., c. 66,  
s. 1, sub-s. 7,  
repealed.

“(7) To lay out the said lands after the completion of the improvement thereon, or on any part thereof, as they may see fit, so as to form a public esplanade or highway, a portion of which (to be determined by the said corporation) may hereafter be set apart for railway companies as provided for in section 8 of this Act, and which portion is herein called the reservation for railway purposes.”

3. Section 2 of the said Act is amended by striking out the said section the first four lines thereof, and by substituting in lieu thereof the following words: “Upon the certificate of the City Engineer or other officer having charge of the said work or improvements, that the sections of the said work embraced in the existing contracts have been duly completed and laid out as aforesaid.”

49 V., c. 66,  
s. 2, amended.

4. The said section 2 is further amended by striking out of line seven of the said section the words “four sections,” and substituting in lieu thereof the words “portions of said improvement as aforesaid,” and by striking out of lines thirteen and fourteen the words “sections two, three, four and five,” and substituting in lieu thereof the words “portions of said improvement as aforesaid.”

49 V., c. 66,  
s. 2, amended.

5. Section 10 of the said Act is amended by striking out of the said section all the words thereof after the word “advantageous.”

49 V., c. 66, s.  
10, amended.

6. Section 13 of the said Act is amended by striking out of lines seven and eight of the said section the words “and subject as hereinbefore provided in section 6 of this Act,” and by substituting the figures “\$575,000” for the figures “\$300,000” in line ten of the said section.

49 V., c. 66, s.  
13, amended.

7. Section 15 of the said Act is amended by substituting the figures “\$575,000” for the figures “\$300,000” in the third line of the said section.

49 V. c. 66, s.  
15, amended.

8. The work heretofore done or contracted for by the corporation of the city of Toronto upon the said Don improvement and the contracts entered into by the said corporation therefor and the plans and specifications referred to in the said contracts (except in so far as the said contracts, plans or specifications may have assumed to allocate or lay out the said improvement, or any part thereof, or to show how the same should ultimately be laid out or allocated) and the proceedings heretofore had and taken in respect of the property taken, used or injuriously affected by the said improvement, or by the exercise of the powers or supposed powers of the said corporation

Proceedings  
in respect of  
the Don im-  
provement  
confirmed.

poration in respect thereof, or otherwise by the said corporation for the purposes of the said improvement, and all other proceedings taken and had under the authority of the council of the corporation of the city of Toronto, in respect of the Don improvement and in accordance with the said Act, are hereby validated and confirmed; and no change heretofore made or hereafter to be made in the character or cost of the said improvement, and which is authorized by the said Act passed in the 49th year of Her Majesty's reign, chapter 66, or by this Act, shall in any way affect the right of the said corporation to charge against and assess and levy upon the lands benefited by the said improvement, pursuant to the provisions of *The Municipal Act* and amending Acts and of the said Act, two-thirds of the total cost of those portions of the said improvement covered by existing contracts; as provided by by-law 1767 of the corporation of the city of Toronto, and the schedule thereto.

Rev. Stat. c.  
184.

By-law 2184,  
confirmed.

9. By-law No. 2184, of the corporation of the city of Toronto, intituled "A By-law to authorize the City Treasurer to borrow a sum not exceeding \$150,000 for the purpose of carrying on the Don improvement," and which is printed as schedule A hereto, is hereby confirmed, and the corporation of the city of Toronto is declared to have and to have had power to pass the said by-law.

Taxes for 1888  
on territory  
annexed by  
proclamation  
of 24th Sept.,  
1887.

10. The persons or corporations whose names appear on the assessment roll of the township of York, as finally revised and corrected for the year 1887, as the owners and occupants of the lands annexed to the city of Toronto by the Proclamation of His Honour the Lieutenant-Governor of Ontario in Council, dated the 24th day of September, 1887, and the said lands respectively are hereby declared to be and to have been on the first day of January, 1888, severally liable to the city treasurer of Toronto for taxes at the rate of  $14\frac{3}{8}$  mills in the dollar, upon the assessed value of the said several properties aforesaid, the said rate being that which was fixed as the rate of taxation upon property in the city of Toronto by by-law No. 2075 of the corporation of the city of Toronto.

Garrison  
Creek sewer.

11. The corporation of the city of Toronto may, without the consent of the electors, pass by-laws for borrowing a sum not exceeding \$60,000 for the construction of the north-westerly branch of the Garrison creek sewer, from Ossington Avenue to Bloor Street:

Provided that before borrowing any portion of the said sum of \$60,000 the land or the easement therein required for the construction of the said sewer shall have first been acquired by the city:

Provided further that the actual cost of the said land or easement, together with the estimated cost of constructing the said sewer, shall not exceed in all the said sum of \$60,000.

**12.**—(1) From and after the passing of this Act, the town of Parkdale shall be annexed to the city of Toronto upon the terms set out in by-law No. 527 of the said town of Parkdale, save as herein otherwise provided, and shall, from and after the said date, cease to be a separate municipality and become a ward of the city of Toronto under the name of St. Alban's ward, and shall be entitled to be represented in the council of the city of Toronto by three aldermen, and on the public school board of said city by two school trustees.

(2) The aldermen for the ward of St. Alban for 1889 shall be the mayor, the reeve and the first deputy-reeve elected by and for the town of Parkdale for the said year. The two school trustees for the said ward shall be selected by ballot by and from the present school trustees of the town of Parkdale within one week after this Act takes effect, the first trustee so selected to hold office for the year 1889, and the second trustee so selected to hold office for the years 1889 and 1890; or in default thereof, the first election of school trustees for the said ward of St. Alban shall be held at such time and places, and by such returning officers as the corporation of the city of Toronto may by by-law appoint, and the persons entitled to vote at the election of such school trustees shall be such persons as would have been entitled to vote thereat had Parkdale continued to be a separate town, and had such elections been held therein on said date.

(3) The rate of municipal taxation in the said ward of St. Alban for the year 1889 shall be the same as in the remainder of the city of Toronto for that year, and shall be based upon the valuation of the property contained in the then last revised assessment roll for the town of Parkdale.

(4) From the first day of January, 1889, the corporation of the city of Toronto shall assume as part of the general city debt such portions of all assessments thereafter payable on account of the cost of local improvements or works (including street extensions) theretofore constructed, made or done in the town of Parkdale, or in course of construction on or since said date as would, if said works or improvements had been made or done on or since said date within and by the city of Toronto, have formed the city's share of the cost of such works or improvements; and the council of the corporation of the city of Toronto may from time to time pass by-laws to amend any existing local improvement by-law or debenture by-law of the town of Parkdale, or any schedule thereto or assessment thereunder, so far as may be necessary for the purposes aforesaid, and for the issue of "general consolidated loan debentures" of the said city of Toronto to raise the money necessary for the purposes aforesaid.

(5) All property, both real and personal, of whatever nature and kind and wheresoever situate, and all deeds, books, papers,

papers, writings and other documents belonging to, or under the control of, or in the possession of the council of the corporation of the town of Parkdale or of any officer, servant or agent of the said corporation are hereby declared to be, from the date of the passing of this Act, the property of the corporation of the city of Toronto, and shall be forthwith delivered to such persons and officials as the council of the corporation of the city of Toronto may appoint for that purpose.

(6) Save as herein otherwise provided, all existing liabilities, lawful debts and obligations of the town of Parkdale and also such portions of the liabilities, debts or other obligations of the county of York, as the said town of Parkdale would have to bear or sustain, if this Act had not been passed, including the proportion now payable under the special agreement between the corporation of the county of York and the corporation of the city of Toronto, providing for the administration of justice and the maintenance of the courts, are hereby declared from the date of the passing of this Act to be the liabilities, debts and obligations of the corporation of the city of Toronto, including the said ward of St. Alban, and shall be met, discharged, observed and kept by the corporation of the city of Toronto, according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of the city of Toronto.

(7) Save as herein otherwise provided, nothing in this Act contained shall exempt any part of the land so added to the city of Toronto aforesaid from any special rate or assessment imposed thereon or on any part thereof by any by-law heretofore passed by the council of the said town of Parkdale.

(8) Save as herein otherwise provided, all existing liabilities, debts and obligations of any person to the corporation of the town of Parkdale shall enure to the benefit of the corporation of the city of Toronto, and shall be read and construed in every respect as if the said corporation had been originally a party thereto in lieu of the town of Parkdale, and all sureties for the several officials of the town of Parkdale shall be and remain liable as if they had become sureties for such officials to the city of Toronto in the first instance, and all bonds and sureties which shall have been given to the said town of Parkdale at any time before this Act comes into force shall enure to the benefit of the corporation of the city of Toronto, and the said corporation shall have all the rights and remedies thereto and thereunder, and shall be entitled to recover thereon to the same extent and under the like circumstances as the said town of Parkdale could have done had it remained a separate municipality.

(9) The last revised assessment rolls for the town of Parkdale, at the time this Act takes effect, shall be for all purposes the last revised assessment rolls for the Ward of St. Alban, until the final revision and correction of a new assessment roll

roll for the said ward; and all persons who would have been entitled to vote in the town of Parkdale on by-laws requiring the assent of the electors shall be entitled to vote on such by-laws in the city of Toronto.

(10) The votes of the electors of the Ward of St. Alban entitled to vote as herein provided on the by-law for \$577,587, which is to be voted on by the qualified ratepayers of the city of Toronto on the 9th day of April (next), shall be taken at the town of Parkdale, on the said 9th day of April, by such person as the council of the corporation of the city of Toronto may by a by-law appoint; and the publication of the said by-law and the notice thereto attached in the Toronto "Empire" shall be a sufficient compliance with the requirements of section 293 of *The Municipal Act*.

**13.** The corporation of the city of Toronto may, with the consent of the ratepayers, borrow from any bank or other corporation or person who may be willing to lend the same, whatever sum may be required to enable the said corporation to acquire the ownership of the railways of the Toronto Street Railway Company and of all real and personal property in connection with the working thereof, at the expiration of the current term of the franchise of the said company, under the agreement in that behalf between the said city and the said company, and may, if necessary, issue debentures therefor, and may manage and operate the said railways, or having acquired the said property, may sell, lease or otherwise dispose of the same to any one or more persons, firms or corporations, on such terms and for such periods as may be agreed upon between the city and said persons, firms or corporations.

Power to borrow for purchase of Toronto Street Railway.

**14.** The council of the corporation of the city of Toronto may, by by-law, entrust the control and management of the erection and completion of the proposed new combined court house and city hall (within the limits of expenditure therefor which may from time to time be authorized), to a commission consisting of three members, who shall be appointed by by-law of the said corporation, and shall receive such remuneration as the said council may by the same or by any other by-law determine. Any vacancies occurring from time to time in said commission may be filled by by-law of the said council.

New court house and city hall.

**15.** All by-laws heretofore passed by the said council of the corporation of the city of Toronto for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing moneys by the issue of debentures secured by special assessments on the Toronto Street Railway Company to provide for the payment of their share of said improvements and works, and for borrowing money by the issue of debentures secured

By-laws confirmed.

secured by special assessments on real property benefited by such improvements and works, and all special assessments made and rates imposed under such by-laws for such purposes, are hereby declared to be valid and binding upon all parties interested therein or affected thereby.

Licenses in St.  
Alban's ward.

**16.** In addition to the number of tavern licenses now authorized in and for the city of Toronto, the license commissioners for the said city may for the year 1889-1890 grant licenses to as many taverns in that part of the said city heretofore forming the town of Parkdale, as are at present authorized in and for the said town of Parkdale.

Annuity to S.  
B. Harman.

**17.** A certain report, No. 38, of the executive committee of the corporation of the city of Toronto, adopted by the said corporation on the 5th day of November last, whereby an annuity of \$2,000 was granted to Samuel B. Harman, Esquire, retiring city treasurer, is hereby confirmed.

Compensation  
to school  
inspector for  
county of  
York.

**18.** The city of Toronto shall pay to the present inspector of public schools for the county of York the sum of \$500 towards compensation for loss of salary resulting from the said annexation of the town of Parkdale.

Certain acts  
of council and  
school board  
of Parkdale  
not binding  
unless ratified  
by council  
and school  
board of  
Toronto.

**19.** No act, deed, resolution or by-law of the corporation of the town of Parkdale, or of the council thereof, made, done or passed since the 7th day of March, 1889, whereby any new liability was imposed upon the said corporation, or whereby any money of the said corporation became or was made payable to any person, shall have any force, validity or effect after the passing of this Act, unless or until it shall have been ratified by resolution of the council of the corporation of the city of Toronto; and no act, deed, resolution or by-law of the public school board of Parkdale, made, done or passed since said date, imposing any new liability upon the public school funds at the disposition of said board, or whereby any of said funds would become payable to any person shall have any force, validity or effect after the passing of this Act until ratified by resolution of the public school board of the city of Toronto.

#### SCHEDULE A.

##### No. 2184. A BY-LAW,

*To authorize the City Treasurer to borrow a sum not exceeding \$150,000, for the purpose of carrying on the Don Improvements.*

Passed November 12th, 1888.

Whereas by an Act passed by the Legislature of the Province of Ontario, in the 49th year of Her Majesty's reign, chaptered 66, the corporation of the city of Toronto were authorized to carry on certain works for the improvement of the River Don in said Act set forth;

And

And whereas, in carrying on the said improvements, the cost of the lands taken and work performed has far exceeded the original estimates, owing to the increased value of the former and unforeseen difficulties in carrying on the latter ;

And whereas contracts have been given out for carrying on the said improvements under said Act from King Street to Gerrard Street, and from Gerrard Street to the Winchester Street bridge, and the said work is being proceeded with under the said contracts ;

And whereas, by a change in the original plan, it has been decided to erect a high level iron bridge on Gerrard Street where it crosses the said works, thus increasing the cost, as per original estimate, by about the sum of \$45,000, the erecting of which bridge is also under contract ;

And whereas a large part of the work contracted for has been performed ; and owing to the approach of winter and danger to the work through frost and spring floods, it is absolutely necessary that the works should be proceeded with as rapidly as possible, so as to place them beyond injury by frost and floods ;

And whereas it appears by a letter from the city treasurer to His Worship the Mayor dated the 8th day of October, 1888, that the sum of \$300,000, appropriated for the purposes of the said works and improvement, has been exhausted, except the sum of \$3,000 ;

And whereas it is imperatively necessary for the purposes aforesaid that the said works should not be stopped at the present juncture for lack of funds ;

And whereas, at a conference, held on the 8th day of November instant, between the Honourable the Attorney-General of Ontario and a deputation of this council, the Attorney-General agreed, in view of the emergency above specified, that in case a by-law should be passed by this council authorizing the city treasurer to borrow such sums of money not exceeding in all \$150,000, as might be necessary for the purposes of carrying on the said improvements, the Government would, at the next session of the Ontario Legislature, support a bill legalizing the said loan, and providing for the repayment thereof ;

Therefore the council of the corporation of the city of Toronto enacts as follows :—

1. The city treasurer is hereby authorized and empowered to borrow from such banks, corporations or persons as may be willing to lend the same, and upon such terms as may be necessary, such sums of money as may be required for the purpose of carrying on the works of the Don improvements, not exceeding in all the sum of \$150,000.

2. The said moneys so to be borrowed shall, until repaid, be and constitute a charge on all the real and personal property, assets and effects of the said the corporation of the city of Toronto.

## CHAPTER 74.

### An Act respecting the consolidation of the Debenture Debt of the City of Toronto.

*[Assented to 23rd March, 1889.]*

WHEREAS the corporation of the city of Toronto have, by Preamble.  
their petition, set forth that the rapid growth and progress of the city during the last ten years, and the extensive public improvements effected in connection with the same, particularly

particularly in the matters of water supply, fire alarms, construction of sewers, the enlargement of the gaol and markets, providing a site for a combined court house and city hall and also a site for a drill shed, for the erection of the said court house and city hall and of additional exhibition buildings, the construction of the Island breakwater, the straightening and improvement of the Don river, the purchase of school sites and the erection of public and high schools, the establishment of a free public library, the enlargement and improvement of public parks, the construction of permanent roadways, bridges and sewers, and other public works rendered necessary in consequence of the rapid expansion of the city, have caused a corresponding expansion of the general debenture debt, and that it will be conducive to the welfare and best interests of the city and will greatly facilitate its financial arrangements, to place the said debt on a more satisfactory basis by a re-consolidation of the same, at a rate of interest not exceeding three and one-half per cent. per annum; that the said debenture debt on the thirty-first day of December, 1888 (exclusive of that portion thereof applicable to local improvements), as represented by debentures outstanding and in course of negotiation, was \$8,810,967.85; that it is desirable to redeem with the accumulated sinking fund, debentures amounting to \$531,103.23, thus reducing the said general debenture debt to \$8,279,864.62, any residue of the sinking fund on hand to be applied towards the redemption of the said debentures now outstanding; that, in addition to the above, debentures have been authorized and issued for the following amounts and purposes :

Water Works.....	\$149,995	53
Public Parks ....	74,995	33
Public and High Schools .....	147,771	47
General Permanent Improvements	232,276	27
	<hr/>	
Issued and hypothecated.....		\$605,038 60
Court House .....	\$750,000	
Garrison Creek Sewer.....	50,000	
Rosedale Creek Sewer .....	125,000	
King Street Subway.....	100,000	
Schools .....	8,000	
	<hr/>	
Authorized but not yet issued		\$1,033,000 00
		<hr/>
		1,638,038 60
Add outstanding debentures as above		8,279,864 62
		<hr/>
Making total authorized debentures		\$9,917,903 22
		<hr/>

That

That the said outstanding debt of \$8,810,967.85 will mature as follows :

1889 .....	\$ 401,300 00
1890 .....	106,000 00
1891 .....	132,000 00
1892 .....	109,400 00
1893 .....	41,000 00
1894 .....	208,034 44
1895 .....	367,159 99
1896 .....	627,941 76
1897 .....	1,163,161 41
1898 .....	159,608 66
1899 .....	152,506 01
1901 .....	4,650 00
1902 .....	4,000 00
1904 .....	639,888 79
1906 .....	923,680 66
1907 .....	20,546 62
1909 .....	124,846 15
1919 .....	733,237 06
1920 .....	22,036 26
1921 .....	233,618 60
1922 .....	239,527 59
1923 .....	178,450 93
1924 .....	223,238 85
1925 .....	864,003 67
1926 .....	294,200 00
1928 .....	836,930 40

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\$8,810,967 85

all of which now bears interest at rates varying from four to six per cent. per annum ; that the present charges on the said debt, in providing annually the interest and sinking fund, at the rates at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that, owing to the reduction in the rate of interest and the improved credit of the city, a re-arrangement of the said debt can be advantageously effected ; that it is further desirable to increase the maximum of the limit of the city's borrowing power to twelve and one-half per cent. of the first \$100,000,000 of the assessed value of the ratable property of the city ; and eight per cent. of the assessed value of said property beyond said limit ; that to enable the issue of debentures to be hereafter made to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions imposed by statute on debentures issued for general city, school and water works purposes ; that it is desirable to issue the debentures to be issued under this Act at long dates, extending to forty years ; that it is desirable that all future issues of debentures covering the city's share of the cost of local improvement works and services should be merged

merged into and form part of the local improvement debenture debt of the city ; that the city should be authorized to substitute an equivalent value of the new consolidated debentures to be issued under this Act for certain debentures now issued or authorized, but not yet sold, and to provide that in determining the limit of the city's borrowing powers, the amount of the debt incurred for waterworks purposes shall not be counted as part of the general city debt ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Limit of borrowing powers.

**1.** The corporation of the city of Toronto may, from time to time pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole twelve and one-half per centum of the assessed value of the whole of the ratable property in the city up to the first one hundred millions thereof, and eight per cent. of the assessed value of said property beyond said sum of one hundred millions as established and shown, from time to time, by the last revised assessment rolls of the said city.

Application of debentures.

**2.** The said debentures to be issued under the authority of this Act and all moneys arising therefrom, may be applied to redeem, as occasion may offer, the debentures already issued as in the preamble mentioned, and for this purpose debentures may be issued to provide for the redemption of debentures not yet due, and the debentures to be issued under this Act, and all moneys arising therefrom may be substituted for an equivalent value of the debentures already authorized but not yet issued, as in said preamble mentioned ; but nothing herein contained shall be construed as giving any authority to pay off or redeem outstanding debentures before maturity without the consent of the holders thereof.

Designation and terms of payment of debentures.

**3.** The said debentures, so to be issued, may be styled "City of Toronto General Consolidated Loan Debentures," and may be issued from time to time, as occasion may require, and in such amounts as may be found expedient to secure advantageous sales, and the said debentures may be made payable at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than \$100 currency or £20 sterling.

Form of debentures.

**4.** The said debentures may be in the form shewn in schedule A to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable.

5. Coupons shall be attached to the said debentures for the Interest. payment of the interest thereon, and such interest shall be payable half-yearly, on the first day of the months of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures to be issued under this Act shall bear interest at a rate not exceeding three and a half per centum per annum.

6. For the payment of the debt and interest represented Rate for pay-  
ment of  
interest. by said debentures to be issued under the authority of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation as appearing by the last revised assessment roll thereof.

7. The debentures amounting to \$531,103.23 purchased and Application of  
sinking fund. now held by the corporation as an investment of sinking fund moneys as in the preamble to this Act mentioned, are hereby authorized to be redeemed and cancelled, and any residue of sinking fund on hand may be applied towards the redemption of other debentures now outstanding, as named in the preamble to this Act.

8. The by-law or by-laws of the said corporation, passed Provisions  
respecting as-  
sent of electors  
to by-laws. under the authority of this Act, for the issue or issues of the said "City of Toronto General Consolidated Loan Debentures," or for the redemption of any of the outstanding or authorized debentures in the preamble to this Act mentioned, or for the substitution thereof of debentures to an equivalent value, shall not require the assent of the electors of the said city before the final passing thereof; but by-laws other than those above specified, if they require under *The Municipal Act* the assent Rev. Stat. c.  
184. of the electors, shall be duly submitted for the same under and as required by the provisions of the said *Municipal Act*.

9. No irregularity in the form of the said debentures Debentures to  
be valid not-  
withstanding  
any irregular-  
ity. or of the by-laws authorizing any issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them, or any part thereof.

10. Any debentures hereafter issued by the said corpora- Term of  
debentures. tion of the city of Toronto, under the provisions of this Act, or under any other statutory authority, whether for general city purposes, school purposes or for water works purposes, may, notwithstanding anything in *The Municipal Act*, *The Toronto Water Works Act*, *The Public Schools Act*, or any Rev. Stat. cc.  
184, 225, and  
35 Vic. c. 79. other

other Act or Acts contained, be issued and made payable at any time not exceeding forty years from the day of the date of the respective issues thereof.

Local im-  
provement de-  
benture debt.

**11.** All future issues of debentures covering the city's share of the cost of local improvement works and services shall not be counted or considered as part of the general debenture debt, but the same shall be merged into and be consolidated with and form a part of the local improvement debenture debt of the city, and the annual rates thereon shall be credited to and form a part of the consolidated local improvement debenture fund of the said city, in the same manner as the annual rates on the other local improvement debenture debt.

Mode of com-  
puting debt of  
city.

**12.** In determining the limit of the city's borrowing powers under this Act, the amount of the debt incurred for water works purposes, being a revenue producing investment, shall not be counted as part of the general debenture debt.

Short title.

**13.** This Act may be known and cited as "*The City of Toronto Debt Consolidation Act, 1889.*"

## SCHEDULE "A."

(Section 4.)

### CITY OF TORONTO GENERAL CONSOLIDATED LOAN DEBENTURE.

(Issued under "*The City of Toronto Debt Consolidation Act, 1889.*")

No.	Province of Ontario, City of Toronto.	£	sterling,
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Under and by virtue of The City of Toronto Debt Consolidation Act, 1889," being an Act passed in the fifty-second year of the reign of Her Majesty Queen Victoria, and chaptered \_\_\_\_\_, and by virtue of By-law No. \_\_\_\_\_ of the Corporation of the City of Toronto, passed under the powers contained in the said Act ;

The Corporation of the City of Toronto promises to pay to the bearer or in \_\_\_\_\_ the sum of £ \_\_\_\_\_ sterling (or as the case may be), on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_, and the half-yearly coupons hereto attached as the same shall severally become due.

[L.S.]

A. B.,  
Mayor.  
C. D.,  
City Treasurer.

## CHAPTER 75.

An Act to incorporate the Town of West  
Toronto Junction.*[Assented to 23rd March, 1889.]*

WHEREAS the village of West Toronto Junction, in the Preamble, county of York, is an important business centre, and is increasing rapidly in population; and whereas the present corporation limits do not include parts of the adjacent lands which are built upon, and should form part of the village, and the said village is constructing a system of water works, with a pumping station on the lake front; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town, and the extension of the limits so as to include certain portions of the surrounding township of York, would be of very great benefit to the said village, would insure its future prosperity, and would be desirable for the protection and improvement of property generally; and by their said petition have further represented that the estimated cost of their said system of water works amounted to the sum of \$75,000, and that a by-law for that amount was submitted to and approved of by the electors, and the debentures have been negotiated and work commenced, but that since that time the unincorporated villages of Carlton and Davenport and adjacent lands, at the almost unanimous request of all the residents and property owners in the said unincorporated villages and adjacent lands, and in the said village of West Toronto Junction, have been annexed to the said village by proclamation, and it has been agreed that water mains shall be extended through the said annexed territories, and the cost of said system of water works will be increased by the sum of about \$25,000, and that it would be of great advantage to raise the said additional sum by debentures without submitting a by-law for the approval of the electors, who have already approved of the annexation of the additional territory and the extension of the mains through the same, and the said petition also asks for certain other special powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said village of West Toronto Junction shall be, and is hereby constituted, a corporation or body politic under the name of "The Corporation of the Town of West Toronto Junction," and shall enjoy and have all the rights, powers and privileges which have

Town incor-  
porated.

Rev. Stat. c.  
184.

have been exercised and enjoyed by the said town of West Toronto Junction if the same had been incorporated as a town under the provisions of *The Municipal Act*, except where otherwise provided by this Act.

Limits of  
town.

2. The said town of West Toronto Junction shall comprise and consist of the present village of West Toronto Junction and certain portions of the township of York, so that the limits of the said town of West Toronto Junction shall be as follows:—All and singular that certain parcel or tract of land and premises, situate, lying and being in the township of York, in the county of York, and Province of Ontario, being composed of parts of lots 33, 34, 35, 36, 37, 38, 39 and 40, in the second concession from the bay, and parts of lots 33, 34, 35, 36 and 37 in the third concession from the bay, in the township of York aforesaid, and which said parcel or tract of land may be more particularly described as follows:—Commencing at the intersection of the southerly limit of the lands of the Ontario and Quebec Division of the Canadian Pacific Railway with the westerly limit of the lands of the Northern Division of the Grand Trunk Railway; thence northerly along the last mentioned limit to where the same would be intersected by the easterly production of the northerly limit of Silverthorne's lane; thence westerly to and along the said northerly limit of said lane to an angle in the same; thence south, sixteen degrees east, thirty feet; thence westerly along the northerly limit of Silverthorne's lane to a point in the westerly limit of Keele Street, said point being distant one hundred feet four inches, measured southerly along said westerly limit of Keele Street, from the existing line between lots 37 and 38 in said third concession; thence northerly along said westerly limit of Keele Street to said line between lots 37 and 38; thence westerly along said line to a point distant three hundred and fifty feet from the westerly limit of the lands of the Grand Trunk Railway, said three hundred and fifty feet being measured westerly on a course at right angles to the said westerly limit of railway lands; thence southerly parallel to said westerly limit of railway lands, and distant three hundred and fifty feet therefrom, to the existing line between lots 36 and 37; thence easterly along the last mentioned limit to a point distant one hundred and sixty feet, measured westerly on the same course as the northerly limit of said Silverthorne's lane, from the westerly limit of Keele Street; thence southerly parallel to said westerly limit of Keele Street, to a point distant three hundred and twenty feet, measured northerly, parallel to said limit of Keele Street, from the northerly limit of St. Clair Avenue; thence westerly, parallel to said limit of St. Clair Avenue, to the westerly limit of Elizabeth Street; thence southerly along said westerly limit of Elizabeth Street to the southerly limit of said lot 38; thence easterly along said southerly limit to the most north-easterly angle of the lands of one David Kennedy; thence southerly  
and

and easterly along the easterly limits of said Kennedy's lands to the line between said lots 36 and 37 ; thence easterly along the line between said lots 36 and 37 to the westerly limit of lands shown on registered plan 660 ; thence southerly along the last mentioned limit to the northerly limit of Bloor Street ; thence easterly along said northerly limit of Bloor Street to the line between lots 34 and 35, in the said second concession from the bay, being the westerly limit of the city of Toronto ; thence northerly along the last mentioned limit to the easterly production of the southerly limit of Humberside Avenue ; thence easterly along said production to the westerly limit of the land of the Grand Trunk Railway ; thence northerly along said westerly limit to the southerly limit of the lands of the Ontario and Quebec Division of the Canadian Pacific Railway aforesaid ; thence easterly along the last mentioned limit to the place of beginning.

**3.** The said town shall be divided into five wards, to be numbered One, Two, Three, Four and Five respectively, as follows :—

1. Number One shall be bounded on the south by the northerly limit of the city of Toronto, on the north by the centre line of St. Clair Avenue, on the east by the westerly limit of the Northern Railway lands, and on the west by the centre line of Charles Street, south of the Davenport Road, and by the centre line of King Street, north of the Davenport Road.

2. Number Two shall be composed of all the remainder of that part of said town lying north of the northerly rail of the Canadian Pacific Railway main track, and not included in ward number One.

3. Number Three shall be composed of all that portion of said town lying east of the centre line of Keele Street, and south of the southerly limit of ward number Two.

4. Number Four shall be composed of all that part of said town lying south of the southerly limit of ward number Two, and bounded on the east by the centre line of Keele Street, and on the west by the centre line of High Park Avenue, south of Dundas Street, and by the centre line of McMurray Avenue, north of Dundas Street.

5. Number Five shall be composed of all the remainder of said town not included in the other wards.

**4.** Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario, 1887, respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes, and to the town so erected shall apply to the said town of West Toronto Junction in the same manner

Municipal laws, to apply.

ner as they would have been applicable had the said village of West Toronto Junction been erected into a town under the provisions of the said statutes.

Nomination  
for first elec-  
tion of mayor  
and council-  
lors.

5. On the second Monday after the passing of this Act it shall be lawful for Robert James Leigh, or the village clerk for the time being, who is hereby appointed returning officer to hold the nomination for the first election of mayor, reeve, deputy-reeve and councillors, at James' hall, in the said town of West Toronto Junction, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of West Toronto Junction had been incorporated under the provisions of *The Municipal Act*, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week next following the said nomination, and the returning officer, or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Rev. Stat.  
c. 184.

Deputy re-  
turning offi-  
cers.

6. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer, and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers and elections in towns, so far as the same do not conflict with this Act, and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks with reference to municipal elections in towns.

Council.

7. The council of the said town to be elected in manner aforesaid shall consist of a mayor, who shall be head thereof, a reeve, a deputy reeve, and ten councillors, two councillors being elected for each ward; and they shall be organized as a council on the second Monday after the said election. The council of said village shall hold office and act as such until the organization of said town council, and the said town council shall hold office for the balance of the term for which the said village council has been elected, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

8. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns. Oaths of office and of qualification.

9. At the first election of mayor, reeve, deputy reeve and councillors for the said town of West Toronto Junction, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario. Qualification at first election.

10. The expenses incurred in obtaining this Act, and of annexing said additional territory to, and extending the limits of the said village, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said village or town of West Toronto Junction or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto. Expenses of Act.

11. The township clerk of the township of York shall furnish the returning officer, upon demand being made upon him for the same, with certified copies of so much of the last revised assessment roll of the said township as may be required to ascertain the names of persons entitled to vote at such first election, or with the collector's roll or any other writing or statement that may be necessary for that purpose, and the said clerk shall be entitled to payment of reasonable charges for such copies. Copies of documents.

12. All by-laws and municipal regulations which are in force in the village of West Toronto Junction shall continue and be in force as if they had been passed by the corporation of the town of West Toronto Junction, and shall extend to and have full effect within the limits of the town hereby incorporated. By-laws continued.

13. The property, assets, debts, liabilities and obligations of the village of West Toronto Junction, including water works debentures, shall belong to, and be assumed and paid by the corporation of the town of West Toronto Junction. Town to assume property and liabilities of village.

14. All officers of the said village of West Toronto Junction shall continue to act and have power as such, and as officers of and within the town of West Toronto Junction until the council of the said town shall have organized as, and in the manner provided by section 7 of this Act. Officers of village continued.

15. Notwithstanding anything contained in *The Municipal Act* as to the time for the taking effect of the proclamation annexing said additional territory to the said village, the election of the reeve and councillors, held on the 31st day of December, 1888, shall be deemed to have been duly and lawfully had Election of village council for 1889 confirmed.

had, and the said persons so elected shall be the council of the said village of West Toronto Junction for the year 1889 until the council of the said town shall be organized as provided in section 7 of this Act.

Power to pass  
by-laws for  
issue of debentures without  
vote of electors.

**16.** Notwithstanding anything contained in *The Municipal Act*, it shall be lawful for the corporation of the said town of West Toronto Junction to pass a by-law or by-laws, without submitting the same for the approval of the electors, to provide for borrowing a sum not exceeding \$25,000, in addition to the sum of \$75,000 for which debentures have already been issued, for the construction of a system of water works, and all said debentures already issued, or to be issued under this section, shall be valid and binding upon the said corporation of the town of West Toronto Junction, and no irregularity in the form of the said debentures, or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the annual sum required to repay said debentures shall be ratably charged upon all the real and personal property assessable within the said town as constituted by this Act.

Assessment of  
lands of F.  
Silverthorne  
and G. S.  
Townsley.

**17.** The lands now belonging to Francis Silverthorne and George Stockdale Townsley, or so much thereof as shall be used for farm or ornamental grounds within the limits of the said town, shall be assessed only at a valuation which at six per centum would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, so long as they shall hold the said lands or any part thereof as farm or ornamental grounds, not sub-divided into lots or sold.

Power to make  
agreement  
with C.P.  
Railway.

**18.** It shall be lawful for the said corporation to enter into an agreement with the Canadian Pacific Railway Company, that in consideration of the company building, establishing and maintaining certain shops in the said town in connection with the said railway, they will exempt, for a period not exceeding ten years, the said company and its property within the town from payment of taxes, in whole or part, and will supply said company with water from their system of water works for a period not exceeding ten years free, or at cost, and will contribute a certain sum towards the construction of gates, or a sub-way, or overhead bridge on Keele Street, at the crossing of said railway within said town, and on such other terms as said corporation shall think proper. ●

## CHAPTER 76.

## An Act to enable the Corporation of the Village of Wyoming to dispose of certain Lands.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the village of Wyoming, in Preamble. the county of Lambton, have by their petition represented that two parcels or blocks of land situate on the north side of Ontario street in the said village, containing about three and nine-tenth acres each, and marked "reserve for park," on the plan of said village made by William McMillen, P.L.S., for C. W. Robertson and M. McKay, in August, 1856, and registered in the registry office of the said county on the fifteenth day of December of the same year, and which said parcels of land are bounded respectively as follows: Firstly, on the north by Erie street, on the east by London street, on the south by Ontario street, and on the west by an alley way; secondly, on the north by Erie street, on the west by Toronto street, on the south by Ontario street, and on the east by an alley way; are not required for park purposes, and that in their present unoccupied state they retard the progress and prosperity of the village; and that doubts have been raised as to the power of the said corporation to lease or sell the said reserves or any part or parts thereof; and whereas the said corporation have prayed for an Act to enable them to lease or sell the whole or any part or parts of the said reserves; and whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the village of Wyoming shall have the same power as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute to lease, sell, convey and dispose of in fee simple absolute the said reserves, either *en bloc*, or divided into lots, freed and exonerated from any trusts or purposes whatsoever for which the same may now be held by the said corporation, but such lease, sale, conveyance or other disposition shall only take place with the consent of the said C. W. Robertson and M. McKay or any person or persons claiming under them title to the said reserves. Power to sell land.

2. Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said corporation, and signed by the head and clerk thereof for the time being. Execution of deeds.

3. The proceeds of any and every disposition by the said corporation of the said lands under this Act shall be held and applied by it for municipal purposes. Application of proceeds.!

CHAPTER

## CHAPTER 77.

## An Act respecting the York Roads and the Surveys thereof.

[Assented to 23rd March, 1889.]

## Preamble.

WHEREAS the corporation of the county of York have by their petition represented that the roads, commonly called and known as the York Roads, comprising Yonge Street, the East York Road, otherwise called the Kingston Road, Dundas Street, otherwise called the West York Road, and the Lake Shore road, were granted and conveyed to the united counties of York and Peel by His Excellency, the Governor General of the late Province of Canada in Council, by Order in Council, dated the fourth day of April, 1865, and that upon the separation of the county of Peel from the county of York the corporation of the county of York acquired the said roads, and by an Act of the Parliament of the Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, chaptered 69, the said roads were vested absolutely in the corporation of the county of York ; and that the stakes or other marks of the bounds of the said roads have disappeared and encroachments have from time to time been made upon the said roads by the erection of fences and otherwise, and that disputes have arisen and the said corporation and their servants have been exposed to litigation, and that it is desirable to determine such disputes and not to expose the said corporation to the uncertainties of litigation, respecting the limits of the said roads ; and that the said corporation has caused to be made a survey of the said Kingston road, otherwise called the East York Road, and a plan thereof, and a survey of Dundas Street aforesaid, otherwise called the West York Road, and a plan thereof to be made by Messrs. Unwin, Browne & Sankey, Provincial Land Surveyors, and a survey of the Lake Shore Road aforesaid, and a plan thereof to be made by John Thomas Stokes, civil engineer, showing the said roads, respectively, as at present defined ; and whereas the said corporation has prayed that the said surveys and plans thereof may be legalized, confirmed and established, and that an Act may be passed for that purpose ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## Surveys confirmed.

1. The survey of that part of the Kingston Road aforesaid within the county of York, made by Messrs. Unwin, Browne & Sankey, a plan whereof has been made by them, dated the 18th day of December, 1888, for the purpose of defining the location

location and width of the said road and the boundaries of the lands along the said road, and the survey of that part of Dundas Street aforesaid within the county of York, made by Messrs Unwin, Browne & Sankey, a plan whereof has been made by them, dated the 31st day of December, 1888, for the purpose of defining the location and width of the said road and the boundaries of the lands along the said road, and the survey of the Lake Shore Road aforesaid, made by John Thomas Stokes, a plan whereof has been made by him dated the 22nd day of June, 1886, for the purpose of defining the location and width of the said road and the boundaries of the lands along the said road, shall be and the same are hereby declared to be the true and unalterable surveys and descriptions of the said roads, respectively, and the width of the said roads respectively, and the boundaries of the lands along the said roads respectively, shall be as defined on the said plans, and the said roads respectively, as defined on the said plans, are hereby declared to have been and are hereby vested in the said the corporation of the county of York, their successors and assigns.

2. Nothing in this Act contained shall affect any matters in question in certain actions now pending in the High Court of Justice between William Helliwell and Thomas Stevenson, respectively, as plaintiffs against the said county of York as defendants or any matters in question in a certain other action in the said Court wherein the said county of York are plaintiffs, and Ardagh and Leonard are defendants. Pending proceedings not affected.

3. Within one year after the passing of this Act any person claiming that any of the said roads as defined in the said plans encroaches upon his rights may notwithstanding this Act assert such claim and bring any action for that purpose which may be thought necessary; and in case it shall be established that any encroachment has taken place, such person shall be entitled to compensation in respect thereof, to be determined, in the event of the parties differing as to the same, in the manner provided by the arbitration clauses of *The Municipal Act*, and the Court in which such action is pending may in the action make all such orders and give all such directions as may be necessary for the purpose of having such compensation so determined and when determined paid. Limitation of existing claims. Rev. Stat. c. 184.

4. The plans of surveys of said roads, in section 1 hereof mentioned, are hereby declared to be the plans already filed with the Commissioner of Crown Lands of the Province of Ontario. Plans.

## CHAPTER 78.

## An Act to incorporate the Amherstburg, Lake Shore and Blenheim Railway Company.

[Assented to 23rd March, 1889.]

reamble.

WHEREAS the construction of a railway has become desirable for public convenience from some point at or near the town of Amherstburg, in the county of Essex, to a point at or near the town of Blenheim, in the county of Kent; and whereas petitions have been presented by the municipal councils of certain municipalities, in the said county of Essex, and by parties interested in the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Simon Fraser and Judson S. Patton, of the township of Malden; John Atkinson, of Bois Blanc Island; William H. McEvoy, T. James Park, M.D., Maurice B. Twomey, William D. Balfour, M.P.P., John H. C. Leggatt, John A. Auld and John R. Park, of the town of Amherstburg; Joseph H. Morgan, and George W. Vandyke of the township of Anderson; Charles Bell, of the township of Colchester South; James H. Smart and S. A. King, M.D., of the village of Kingsville; Alexander Peterson, and Jacob C. Shepley, of the township of Gosfield South; Marwood Barrett, of the township of Colchester North; James Brien, M.P., and Henry W. Allan, of the village of Essex Centre; George A. Morse and Albert Foster, of the village of Leamington, and J. C. Patterson, M.P., of the town of Windsor, all in the county of Essex; Archibald Campbell, M.P., N.H. Stevens, John A. Walker, James Dillon, and A. Craddock, of the town of Chatham; Robert Ferguson, M.P.P., of the village of Thamesville; George Robinson and George W. Coatsworth, of the township of Romney; John McDonald and Archibald McKenzie, of the township of Tilbury East; T. Ledson Pardo, Alexander Goulet, William Hickey, and John C. Bell, M.D., of the township of Raleigh, and T. R. Jackson, John Mulholland and D. MacLachlan, of the town of Blenheim, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, shall be, and are hereby constituted, a body corporate and politic, by and under the name of "The Amherstburg, Lake Shore and Blenheim Railway Company."

2.

2. The said company, hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out and construct and finish a double or single iron or steel railway from some point at or near the town of Amherstburg, in the county of Essex, to a point at or near the unincorporated village of Harrow, and south of the fourth concession of the township of Colchester South, thence to the village of Kingsville, in the township of Gosfield South, thence to the village of Leamington, in the township of Mersea, thence to the unincorporated village of Wheatley, in the townships of Mersea and Romney, by a course south of the eighth concession of the said township of Mersea, and thence to a point at or south of the town of Blenheim, in the township of Harwich, in the county of Kent; and also from some point at or near the said town of Amherstburg, to the town of Sandwich, by a course west of the third concession of the township of Anderdon, and thence to a point at or near the town of Windsor, in the county of Essex.

Location of  
line.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Gauge.

4. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous

Powers of  
provisional  
directors.

Rev. Stat., c.  
170.

advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Amherstburg, or at such other place as may best suit the interest of the said company.

Form of conveyance.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions not binding until approved and ten per cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

8. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c. 170.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into twenty-five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and

and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Amherstburg, in the said county of Essex, of the time, place and purpose of said meeting.

First election  
of directors.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five, and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Number of  
directors and  
quorum.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification  
of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Calls.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Certain pay-  
ments may be  
made in stock  
or bonds.

Annual meet-  
ings.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Amherstburg, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Amherstburg during the four weeks preceding the week in which such meeting is to be held.

Special meet-  
ings.

**16.** Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from  
municipal-  
ities.

**17.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Proviso.

Provisions as  
to bonus by-  
laws.

**18.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*;

Rev. Stat. c.  
184.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid;

Rev. Stat. c.  
184.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

**19.** Such by-law shall in each instance provide :—

By-law, what to contain.

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within thirty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum, sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

**21.** The term “minor municipality,” shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

“Minor municipality,” meaning of.

Deposit for  
expenses.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried council to pass same,

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council, which submitted the same, shall read the said by-law a third time and pass the same.

And issue  
debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate on portion of a municipality.

25. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Acts as to by-laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall, and may be lawful, for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar, valid.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater

greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation.

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
land.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c.  
170.

**33.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions

Acquiring gravel etc., for construction and maintenance of railway.

Rev. Stat. c.  
170.

provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

**34.**—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev Stat. c.  
170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9, of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario,

Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner; to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Amherstburg, Lake Shore and Blenheim Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B., hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Trusts of proceeds of debentures.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights,

Issue of bonds.  
Proviso.

Proviso.

rights, privileges and qualifications for directors, and for voting as are attached to shareholders: Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Transfer of  
bonds.

**39.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable  
instruments.  
min 9 2 1  
Enacted

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Pledging  
bonds.

**41.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements  
with other  
companies.

**42.** It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

43. The company incorporated by this Act is authorized and empowered to contract and agree with the Lake Erie, Essex and Detroit River Railway Company, for amalgamation with the said Lake Erie, Essex and Detroit River Railway Company, (if lawfully authorized to enter into such arrangements) or for the leasing their said line, or any part or parts thereof to the said company, and may also make traffic or running arrangements with the said company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person, or represented by proxy at a special general meeting to be held for that purpose, in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements  
with Lake  
Erie, etc.,  
Ry. Co.  
authorized.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887), are hereby conferred upon the said company.

Telegraph  
lines.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of  
aliens.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to hold  
additional  
property.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same

Power to col-  
lect back  
charges on  
goods.

lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commence-  
ment and com-  
pletion of  
railway.

**49.** The said railway shall be commenced within three years, and completed within seven years from the passing of this Act.

#### SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the names of the vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Amherstburg, Lake Shore and Blenheim Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the names of any other parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels as the case may be) of land (*describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Amherstburg, Lake Shore and Blenheim Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 .

Signed, sealed and delivered }  
in the presence of }

[L. S.]

#### SCHEDULE B.

(Section 36.)

*Chief Engineer's Department.*

THE AMHERSTBURG, LAKE SHORE AND BLENHEIM RAILWAY COMPANY'S  
OFFICE.

No.

Engineer's Department,

A.D. 18 .

Certificate to be attached to cheques drawn on the Amherstburg, Lake Shore and Blenheim Railway Company Municipal Trust Account, given under section \_\_\_\_\_ chapter \_\_\_\_\_ of the Acts of the Legislature of Ontario, passed in the \_\_\_\_\_ year of Her Majesty's reign.

I, A. B., Chief Engineer of the Amherstburg, Lake Shore and Blenheim Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (*or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between the corporation of \_\_\_\_\_ and the said company*) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled*).

## CHAPTER 79.

## An Act respecting the London Street Railway Company.

*[Assented to 23rd March, 1889.]*

**W**HEREAS the London Street Railway Company was Preamble,  
 duly incorporated by the Act passed by the Legislature of Ontario in the 36th year of Her Majesty's reign, chaptered 99, with the powers therein set forth, and the capital stock was therein declared to be \$40,000; and whereas the said company was duly organized, and the whole of the said capital stock subscribed and paid up, and certain lines of railway and other works have been constructed and operated by the company, and the company is about to extend its operations and build further lines; and whereas the said company by its petition has represented that the shareholders have contributed to the company out of the undivided profits and otherwise large sums which have been used by the company as capital, and that the property and assets of the company have thereby become largely increased, so that the same now exceed the said capital stock of the company, and that it is desirable to increase the capital stock of the company, to readjust its present share capital, and otherwise to extend the powers of the company to enable the company further to extend the said railway and works; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The present assets of the company shall be valued and a Valuation of report thereof shall be prepared by the directors, showing, assets, amongst other things, the amount which such assets represent for each share of capital in the company, which report shall be submitted to the shareholders for their consideration and adoption at a general meeting of the shareholders to be called by the directors.

2. Upon the adoption of the said report by a vote of two-thirds of the shareholders present or represented at such Capital stock and shares. general meeting, and representing not less than two-thirds in value of the shares held by the said shareholders, the shareholders may, by a like vote, declare the capital stock of the company to be \$80,000, in 2,000 shares of \$40 each, with such amount paid thereon as the present assets of the company shall, by such report, be ascertained to represent, and thereafter for each share of the existing stock fully paid up held by any shareholder,

shareholder, he is declared to be the holder of one share of \$40, with such amounts paid up thereon as shall be declared by such vote of the shareholders.

Statement to  
be transmitted  
to Provincial  
Secretary.

3. A true copy of such report, and of the vote of the shareholders aforesaid, under the hand of the president or secretary and the seal of the company, shall be transmitted to the Provincial Secretary, with a statement showing the names of the shareholders, the number of shares held by each of them and the amount paid up thereon under the provisions of this Act and the vote of the shareholders aforesaid, within one month after such vote has been taken.

Increase of  
capital stock.

4. The capital stock of the company may from time to time, at the annual or other general meeting of the shareholders called for that purpose, be further increased by a vote of two-thirds of the shareholders present or represented at such annual or other general meeting, and holding not less than two-thirds in value of the shares held by the said shareholders but only to such an amount as that the whole of the said capital stock shall not, at any one time, exceed in all \$250,000.

Issue of debentures.

5. It shall and may be lawful for the said London Street Railway Company, with the consent of a majority representing two-thirds in value of the shareholders therein, present in person or by proxy, at a meeting specially called for that purpose, to make and issue from time to time debentures to an amount not exceeding the amount of the capital stock subscribed at the time of the issue of such debentures, payable at such time and place, and bearing such rate of interest as the said company by such majority as aforesaid may determine, and such debentures shall, without registration or formal mortgage, or conveyance, be a charge upon the said railway, its rolling stock, equipments and motive power thereto belonging, and upon the lands, tolls, revenues and other property of the said company, for the due payment of the amounts payable by virtue of such debentures and the interest thereon; and each holder of any of such debentures shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues and other property *pro rata* with the other holders of such debentures.

Form of debentures.

6. The debentures to be issued under this Act shall be under the seal of the company, and shall be signed by the president of the company and countersigned by the secretary, and the said debentures and the coupons attached thereto providing for the payment of the interest thereupon, may be issued payable to bearer at such place or places as may be deemed advisable, and shall be transferable by delivery, and such transfer shall vest the property of such debentures in the holder thereof so as to enable him to maintain an action thereon in his own name.

7. The said debentures may be made either perpetual or terminable, and may be made, executed and issued in such form as the said company, with the consent provided for in section 5 hereof may determine. Execution and issue of debentures.

8. None of the said debentures shall be made for any sum less than \$1,000, and the said company may either issue the whole of the said debentures at one time, or may issue the same from time to time, as may be determined upon, with the consent provided in section 5 hereof. Value of debentures.

9. The said company may from time to time and at any time, sell, hypothecate or pledge any of the said debentures to be issued under the provisions of this Act, and may apply and use the proceeds for the benefit of the said company as they see fit. Power to mortgage debentures.

## CHAPTER 80.

### An Act respecting the Niagara and St. Catharines Street Railway Company.

[Assented to 23rd March, 1889.]

WHEREAS by Letters Patent under the Great Seal of the Province of Ontario, dated the 4th day of February, A.D., 1888, duly issued under *The Ontario Joint Stock Companies Letters Patent Act* and *The Street Railway Act, 1883*, the Niagara and St. Catharines Street Railway Company was duly incorporated for the purpose of constructing and operating lines of street railway in the city of St. Catharines, the townships of Niagara and Grantham, the town of Niagara and the village of Port Dalhousie, in the county of Lincoln; and whereas under the provisions of *The Street Railway Act* certain by-laws have been passed by the municipal councils of the aforesaid municipalities, and also by the municipal council of the county of Lincoln, which are set forth in Schedule "A" to this Act, authorizing the said company to construct and operate their railway upon certain streets and highways named in the said by-laws; and whereas a certain agreement dated the 26th day of November, 1888, was entered into between the said company and the St. Catharines, Merriton and Thorold Street Railway Company; and whereas the said company have by their petition represented that it is necessary in order to secure the successful carrying out of their undertaking, that the validity of the said by-laws and of said agreement should be unquestionable, and that the capital stock and the borrowing power of said company should be Preamble.

be increased and certain other powers granted to them incidental and necessary to their undertaking; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws confirmed.

1. The by-laws mentioned in Schedule "A" to this Act are hereby declared to be valid and binding for all purposes whatsoever.

Power to extend time limited by by-laws.

2. The councils of the said municipalities may, from time to time, by resolution, extend the times for beginning or completing the lines of railway of the said company or any portion thereof named in the said by-laws or any of them, provided that no such extension shall be for a longer period than one year.

Capital stock and debentures.

3. The directors of the said company are hereby authorized from time to time to increase the capital stock of the said company to such amount or amounts as occasion may require, but not exceeding in the whole the sum of \$200,000, and to make and to issue from time to time bonds or debentures of the company to the total extent of \$100,000, such bonds or debentures to be in sums of not less than \$100 each, and on such terms and credit as they may think proper, which said bonds or debentures shall be taken and considered to be the first preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, now existing or at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy, at any meeting of the company specially called for that purpose shall be first had and obtained.

Proviso.

Power to acquire land or other property.

4. The said company shall have power and authority to receive, acquire and hold all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway; and to purchase, acquire and hold of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to sell, alienate and dispose of the same.

Power to take lands for park purposes.

5. The said company is hereby authorized to purchase, lease, dispose of, let, sell, convey or mortgage, any lands or premises suitable for parks or pleasure grounds, not exceeding

one

one hundred acres and being situate partly within the township of Grantham, and partly within the village of Port Dalhousie, in the county of Lincoln; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and to increase, but not beyond the limit of said one hundred acres, the area of such lands, from time to time; and may make and enter into any agreement or arrangements with the municipal corporation of the township of Grantham in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless and until the municipal council of the said township of Grantham, shall, by by-law, have declared its assent to the company acquiring lands under and for the purposes mentioned in this section; provided moreover that the company shall not, under any of the provisions of this section, have any right or power to purchase, lease or acquire any lands after the lapse of three years from the passing of this Act.

Proviso.

Proviso.

6. The said municipalities or any of them may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or endorse or guarantee the payment of any bonds or debentures issued by the said company, and may also assist the said company, by bonus, gift or loan, in the manner provided by section 39 of *The Railway Act of Ontario*, and section 634 of *The Municipal Act*, but always subject and pursuant to and in conformity with the provisions of the said Acts in that behalf, and especially subject and pursuant to and in conformity with all the requirements in that behalf of said section 39 and said section 634.

Aid from municipalities.

Rev. Stat. cc. 170, 184.

7. The agreement made between the said company and the St. Catharines, Merritton and Thorold Street Railway Company, dated the 26th day of November, A.D., 1888, respecting the joint use of certain tracks in the township of Grantham and city of St. Catharines is hereby declared to be valid and binding on the parties thereto.

Agreement with St. Catharines, etc., street railway confirmed.

### SCHEDULE "A."

1. By-law of the city of St. Catharines, numbered 638, passed on the 18th day of July, A.D. 1888.
2. By-law of the town of Niagara, numbered 312, passed on the 28th day of May, A.D. 1888.
3. By-law of the village of Port Dalhousie, passed on the 15th day of June, A.D. 1888, and intituled "A by-law to authorize the Niagara and St. Catharines Street Railway to construct, complete, maintain and operate a railway upon and along Ontario street, in the village of Port Dalhousie, in the county of Lincoln, and for other purposes."
4. By-law of the township of Niagara, numbered 280, passed on the 4th day of June, A.D. 1888.
5. By-law of the township of Grantham, numbered 399, passed on the 18th day of June, A.D. 1888.
6. By-law of the county of Lincoln, numbered 258, passed on the 6th day of June, A.D. 1888.

## CHAPTER 81.

An Act to revive and amend the Act incorporating the Sarnia and Lambton Southern Railway Company.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS it has been found impracticable to build the line of railway authorized to be constructed, under and by virtue of an Act passed in the forty-seventh year of Her Majesty's Reign, chaptered 73, and intituled "*An Act to incorporate the Sarnia and Lambton Southern Railway Company*" within the time limited for that purpose; and whereas Charles Mackenzie and other shareholders and provisional directors of the said Sarnia and Lambton Southern Railway Company, have by their petition represented, that since the passing of the said Act no work has been done towards the commencement and completion of the said railway and have prayed that the said Act may be revived and amended, and also that the time fixed for the commencement and completion of the said railway may be extended, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

47 V. c. 73,  
revived.

1. The non-compliance by the said company with the conditions of the said Act, passed in the forty-seventh year of Her Majesty's reign, chaptered 73, and intituled "*An Act to incorporate the Sarnia and Lambton Southern Railway Company*," shall not be considered as having heretofore caused any forfeiture of the charter of said company, and the said Act is hereby revived and declared to be in full force and effect.

47 V. c. 73, s. 2,  
amended.

2. Section 2 of the said Act, is amended by inserting after the word "Dawn" in the eighth line of the said section the words, "to or near the village of Florence."

47 V. c. 73,  
s. 37, sub-s. 2,  
amended.

3. Sub-section 2 of section 37 of the said Act, is amended by striking out the word "eight" in the second line of the said sub-section and substituting the word "nine" in lieu thereof.

Time for commencement  
and completion  
extended.

4. The time limited for the commencement of the said railway is extended for two years from the passing of this Act, and the time for the completion thereof is extended for five years from the passing of this Act.

## CHAPTER 82.

## An Act to incorporate the Toronto Belt Line Railway Company.

[Assented to 23rd March, 1889.]

**W**HEREAS the construction of a railway from some point Preamble.  
on the line of the Grand Trunk Railway in the eastern part of the city of Toronto or in the township of York, passing to the north of the said city of Toronto in the said township and to connect with the said railway to the north-west and west of the said city in the said township or in the town of West Toronto Junction with a branch line up the valley of the Don in the township of York would be of public advantage; and whereas a petition has been presented praying for the incorporation of the company for that purpose and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James David Edgar, John F. Taylor, Henry Carry, C.E., Incorporation.  
John T. Moore, Samuel Davison, Thomas E. Elgie, Charles H. Ritchie, H. L. Hime, Arthur F. Banks, James L. Scarth, Frederick J. Stewart, John Cudmore, A. H. Badgerow, John J. Gartshore, Allan Royce, William Pears, William Jacques, John R. Bull, Joseph Watson and John Paxton, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Toronto Belt Line Railway Company."

2. The said company shall have full power and authority to Location of line.  
lay out, construct and complete a double or single iron or steel railway of a gauge of four feet eight and one half inches in width from some point on the line of the Grand Trunk Railway in the eastern part of the city of Toronto or in the township of York, passing to the north of the said city in the said township and connecting with the said railway and the Great Western division thereof to the north-west and west of the said city in the said township or in the town of West Toronto Junction and also a branch line up the valley of the Don in the said township of York.

3. The capital stock of the company shall be \$250,000 with Capital stock.  
power to increase the same in the manner provided in *The Rev. Stat.*  
*Railway Act of Ontario* to be divided into shares of \$100 each; c. 170.  
and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental

incidental to the passing of this Act and the organization of the said company and for making the surveys, plans and estimates connected with the works hereby authorized or the procuring of any plans and estimates heretofore made and all the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Provisional  
directors.

4. The persons named in section 1 of this Act with power to add to their number shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open the stock-book and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscriptions and to cause plans and surveys to be made, and to acquire any plan and surveys now existing, and to deposit in any chartered bank of Canada having an office in the Province of Ontario, all moneys received by them on account of stock subscriptions, and to withdraw the same for the purpose of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the condition or disposition of any gift, bonus, guarantee or other assistance to the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors.

Rev. Stat.  
c. 170.

Power of  
directors to  
exclude  
persons from  
subscribing  
for stock.

5. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company or rescind the subscription and return the deposit of any person if they are of the opinion that such person would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Allotment of  
stock.

6. It shall be lawful for the directors in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock or any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as and when payable, shall be deemed to be money due in respect of a call made in  
accordance

accordance with the provisions contained in section 35 of *The Railway Act of Ontario* and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share. Rev. Stat. c. 170.

7. The said provisional directors or elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company. Power to make certain payments in paid up stock

8. When and so soon as shares to the amount of \$50,000 in the capital stock of the said company shall have been subscribed and allotted and ten per centum paid thereon the provisional directors shall call a general meeting of the shareholders of the said capital stock at the city of Toronto for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one of the daily papers published in the city of Toronto of the time, place and purpose of said meeting. First election of directors.

9. At such general meeting the shareholders assembled in person or by proxy, who shall have paid up ten per centum on their shares, shall choose not more than seven persons to be directors of the said company of whom the majority shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act and *The Railway Act of Ontario*; and the said board of directors may employ and pay one of their number as managing director. Number of directors. Rev. Stat. c. 170.

10. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid. Qualification of directors.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week, in one or more newspapers published in the city of Toronto, during the four weeks preceding the week in which such meeting is to be held, and Annual and special meetings. special

special general meetings of the shareholders of the said company may be held at such place in the city of Toronto and at such times and in such manner, and for such purposes as may be directed by the by-laws of the company, upon such notice as is provided in this section.

Bonds.

Rev. Stat.  
c. 170.

**12.** For the purposes of the company the directors may issue bonds, and to secure the same and the interest thereon, they may mortgage the undertaking or part thereof in the manner provided in *The Railway Act of Ontario*, and in this respect the provisions of the said Railway Act shall apply; and it shall be lawful for any railway company or companies (which may be lawfully authorized in that behalf) to agree for the loan of its or their credit either by direct guarantee or traffic arrangements or otherwise to secure the payment of the interest on said bonds or any part thereof, and to secure the payment of the principal or any part thereof either by the sinking fund or otherwise.

Power to  
pledge bonds.

**13.** The company may, from time to time, for advances of money, pledge any stock, debentures or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise.

Aid to  
company.

**14.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Agreements  
with G. T. R.  
Co. author-  
ized.

**15.** The said company shall have power to agree for connections and make running arrangements with the Grand Trunk Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with the said Grand Trunk Railway Company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of their railway, or of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant, or rolling stock or other property of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies purchasing, leasing or entering into such an agree-  
ment

ment for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

16. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company and under the general or special authority of a quorum of the directors shall be binding on the said company ; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange ; nor shall the said president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may become parties to notes.

17. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same ; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance.

18. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell

Power to purchase whole lots.

Rev. Stat.  
c. 170.

sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring  
gravel, etc., for  
construction  
and mainten-  
ance of rail-  
way.

**19.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

**20.**—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

• Rev. Stat. c.  
170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9, of section 20 of *The Railway Act of Ontario* shall not apply.

Power to hold  
additional  
property at  
extremities of  
railway.

**21.** The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the

the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or watercourse, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

22. The said company may also construct an electric tele- Telegraph graph line and a telephone line in connection with their rail- lines. way and for the purpose of constructing, working and protecting the said lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 158 of the Revised Statutes of Ontario 1887, are hereby conferred upon the said company.

23. All the provisions of *The Railway Act of Ontario*, ex- Railway Act cept as varied by this Act, shall apply to the said company. to apply.

24. Nothing in this Act contained shall be deemed to Construction authorize or allow the construction of the said railway or any of road part thereof through any cemetery or burial place, or to through cemeteries. authorise or allow the company to take or acquire or use any part of any such cemetery or burial place, unless and until the company shall have first obtained the approval of the Lieutenant-Governor in Council in that behalf.

25. The railway shall be commenced within two years and Time for completed within five years after the passing of this Act. construction.

## SCHEDULE A.

(Section 17.)

Know all men by these presents that I (or we) (insert the names of the vendors) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Toronto Belt Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert the names of any other parties) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels as the case may be) of land (describe the lands) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Toronto Belt Line Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

Signed, Sealed and Delivered  
In presence of

[L.S.]

## CHAPTER 83.

## An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the parties hereinafter mentioned have petitioned for an Act to revive the Act passed in the forty-seventh year of Her Majesty's reign, chaptered 75, and intituled "*An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*," and also to amend the same and extend the time for commencing the construction and completion thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

47 V., c. 75, s.  
1 revived.

1. The Act of the Legislature of the Province of Ontario, passed in the forty-seventh year of Her Majesty's reign, chaptered 75, and intituled "*An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*," is hereby revived and continued in full force, subject to and as amended by the other provisions of this Act.

47 V., c. 75, s.  
1 repealed.

2. Section 1 of the said Act is repealed and the following substituted therefor:

Incorporation.

1. The Honourable R. W. Scott, Reginald Kennedy, Samuel S. Mutton, R. T. Sutton, William G. McWilliams, Alexander J. McKay and Edward A. C. Pew, together with such other persons or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by the name of "The Toronto, Hamilton and Buffalo Railway Company."

47 V., c. 75, s.  
11 repealed.

3. Section 11 of the said Act is repealed and the following substituted therefor:

Provisional  
directors and  
their powers.

11. The said Honourable R. W. Scott, Reginald Kennedy, Samuel S. Mutton, R. T. Sutton, William G. McWilliams, Alexander J. McKay and Edward A. C. Pew shall be the provisional directors of the company, and such provisional directors until others shall be named as hereinafter provided shall constitute the board of directors of the company with power to fill vacancies occurring thereon, to associate with themselves thereon not more than five other persons, who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares

shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under *The Railway Act of Ontario* and any other law in force in Ontario are vested in such boards. Rev. Stat. c. 170.

4. Section 51 of the said Act is repealed and the following substituted therefor: 47 V., c. 75, s. 51 repealed.

51. The said railway shall be commenced within three years from the 12th day of February, 1889, and completed within five years from the said last mentioned date, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion.

## CHAPTER 84.

### An Act to incorporate the Waterloo Junction Railway Company.

[Assented to 23rd March, 1889.]

**W**HEREAS Elias Weber Bingeman Snider, John Lehman Wideman and Noah Weber Gingrich, of St. Jacob's ; John Ratz and Alonzo Herbert Erb, of Elmira, and Walter Wells, of Waterloo, have by their petition represented that it is desirable that a railway be constructed from the village of Waterloo, in the county of Waterloo, through the village of St. Jacob's, in the township of Woolwich, and through or near to the village of Elmira, in the said township, to the village of Elora, in the county of Wellington, or to the town of Listowel, in the county of Perth, or some intermediate point on the Wellington, Grey and Bruce Railway, and have prayed that they may be incorporated for the purpose of constructing and operating such railway ; and whereas it is expedient to grant the prayer of the said petition ; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Elias Weber Bingeman Snider, John Lehman Wideman and Noah Weber Gingrich, of St. Jacob's ; John Ratz and Alonzo Herbert Erb, of Elmira, and Walter Wells, of Waterloo, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the Waterloo Junction Railway Company. Incorporation.

Location of  
line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point in the town of Waterloo, in the county of Waterloo, through the village of St. Jacob's, in the township of Woolwich, and through or near the village of Elmira, in the said township, to the village of Elora, in the county of Wellington, or to the town of Listowel, in the county of Perth, or some intermediate point on the Wellington, Grey and Bruce Railway.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional  
directors.

4. Elias Weber Bingeman Snider, John Lehman Wideman and Noah Weber Gingrich, of St. Jacob's; John Ratz and Alonzo Herbert Erb, of Elmira, and Walter Wells, of Waterloo, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of

Rev. Stat.,  
c. 170.

of the said railway; and all meetings of the provisional board of directors shall be held at the town of Waterloo, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions not binding until approved and ten per cent. paid.

8. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter,

Capital stock.

Rev. Stat., c. 170.

after, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election  
of directors.

**10.** When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Waterloo, in the said county of Waterloo, of the time, place and purpose of said meeting.

Number of  
directors and  
quorum.

**11.** At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as herein-after mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat.,  
c. 170.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

**13.** The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Certain pay-  
ments may be  
made in stock  
or bonds.

**14.** The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual  
meetings.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Waterloo, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks.

weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Waterloo, during the four weeks preceding the week in which such meeting is to be held.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meetings.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways. Aid from municipalities. Proviso.

18. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:— Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*; Rev. Stat., c. 184.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid; Rev. Stat., c. 184.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

**19.** Such by-law shall in each instance provide :—

1. For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

Provisions for referring to arbitration disputes as to bonus-by-laws.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

“Minor municipality,” meaning of.

**21.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit for expenses.

**22.** Before any such by-law is submitted, the railway company, shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass same,

**24.** Within one month after the passing of such by-law, the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

and issue debentures.

**25.** In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rate on portion of a municipality.

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of Municipal Acts as to by-laws.

**27.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

**28.** It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

**29.** Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar, valid.

Exemption  
from taxation.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situated, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of  
land.

**31.** Any municipality through which the said railway may pass, or is situated, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to pur-  
chase whole  
lots.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.,  
c. 170.

Acquiring  
gravel, etc.,  
for construc-  
tion and  
maintenance  
of railway.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or

Rev. Stat.,  
c. 170.

who

who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid ; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**34** —(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years, or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits.  
Rev. Stat.,  
c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario ; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
debentures.

Trusts of pro-  
ceeds of  
debentures.

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Waterloo Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of  
bonds.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

**39.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Negotiable instruments.  
Proviso.

**41.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. Pledging bonds.

**42.** It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other moveable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon. Agreements with other companies.

**43.** The said company shall have power to agree for connections and make running arrangements with the Grand Trunk Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway company, Agreements with G. T. Ry. Co.

company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph  
lines.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887) are hereby conferred upon the said company.

Rights of  
aliens.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of  
shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to hold  
additional  
property.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

49. The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

Commencement and completion of railway.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Waterloo Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Waterloo Junction Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_

Signed, sealed and delivered }  
in presence of }

[L. S.]

## SCHEDULE B.

(Section 36).

Chief Engineer's Department.

THE WATERLOO JUNCTION RAILWAY COMPANY'S OFFICE.

No. \_\_\_\_\_ Engineer's Department, \_\_\_\_\_ A.D. 18 \_\_\_\_\_

Certificate to be attached to cheques drawn on the Waterloo Junction Railway Company Municipal Trust Account, given under section \_\_\_\_\_ of the Acts of the Legislature of Ontario, passed in the \_\_\_\_\_ year of Her Majesty's reign.

I, A. B., Chief Engineer of the Waterloo Junction Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (*or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between the corporation of \_\_\_\_\_ and the said company*) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER

## CHAPTER 85.

## An Act respecting the Yorkville Loop Line Railway Company.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the Yorkville Loop Line Railway Company have by their petition prayed that the time for the commencement and completion of their railway be extended, and that the Act passed in the forty-seventh year of Her Majesty's reign, chapter 78, be amended so as to extend the said time; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

47 V. c. 78  
amended.

1. The Act passed in the forty-seventh year of Her Majesty's reign, chapter 78, and intituled "*An Act respecting the Yorkville Loop Line Railway Company*," is hereby amended, and the time for commencing the railway therein mentioned is hereby further extended for three years, and the time for the completion thereof is further extended for five years from the passing of this Act.

## CHAPTER 86.

## An Act to amend the Acts relating to the Land Security Company.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the Land Security Company has petitioned that an Act may be passed, amending the Acts incorporating and relating to the company, by increasing the capital stock of the company, by authorizing the conversion of the portion of the capital stock which has been fully paid up into new stock to be issued therefor, by authorizing the issue of debenture stock by the company, and by otherwise amending the said Act so as to extend the powers of the directors of the company and to facilitate and extend its operations; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the thirty-sixth year of Her Majesty's reign, chaptered 128, as amended by the Act passed in the forty-fifth year of Her Majesty's reign, chaptered 80, and the Act passed in the forty-eighth year of Her Majesty's reign, chaptered 82, is further amended, as in this Act set forth.

36 V. c. 128,  
45 V. c. 80,  
and 48 V. c.  
82, amended.

2. The capital stock of the company may be increased from time to time, by resolution passed by two-thirds of the shareholders present, or represented by proxy, at a special meeting of the shareholders, called for the purpose of considering such proposed resolution, to an amount not exceeding \$3,000,000, and section 3, of the Act incorporating the company, as amended by section 4, of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered 80, is hereby further amended accordingly.

Capital stock  
may be in-  
creased.

36 V. c. 128,  
s. 3, and 45 V.  
c. 80, s. 4,  
amended.

3. The shareholders, by a resolution, passed as in section 2 of this Act prescribed, may authorize the holders of the 8,000 fully paid up shares, to surrender such shares to the company, and to subscribe for new shares in lieu thereof, in the proportion of three new shares for each of such fully paid up shares surrendered, and the amount paid on each fully paid up share so surrendered shall be apportioned equally as a payment upon each of the new shares so subscribed in lieu thereof, and upon such resolution being passed the directors shall be authorized to accept surrenders of such fully paid up shares and to issue to the holder of shares so surrendered three new shares for each such fully paid up share surrendered as aforesaid, with the proportion aforesaid paid, and the balance of the said shares to be so subscribed shall be paid by the subscribers thereof, respectively, in monthly instalments or otherwise, as the directors shall require, or as the by-laws of the company may from time to time provide, and the provisions of section 4, of the Act incorporating the company, shall apply to the said shares.

Paid up shares  
may be sur-  
rendered and  
other shares  
subscribed in  
lieu thereof.

4. The shares so surrendered shall, from and after their surrender as aforesaid, cease to form any part of the capital stock of the company, authorized by this Act, as if the said shares had never been subscribed.

Shares sur-  
rendered shall  
cease to be  
part of capital.

5. The company shall have power to invest in or lend on the security of the stock or shares of any building society or loan company, or of any fire or life assurance company that may be approved of by the directors, and may re-sell the same, as the directors may deem advisable.

Power to in-  
vest.

6. The directors may, from time to time, declare and pay, in addition to dividends, out of the profits of the company, such bonuses upon the subscribed capital of the company as they deem advisable and proper.

Power to pay  
bonuses in  
addition to  
dividends.

Issue of  
debenture  
stock.

7. The directors may also issue debenture stock, which shall be treated and considered as part of the regular debenture debt of the company, in such amounts and manner, on such terms and bearing such rate of interest as the directors may, from time to time, think proper, but subject to the limitations hereinbefore provided, so that the amount received as money deposits, and borrowed on the security of debentures or debenture stock, shall not, in the whole, exceed the authorized limit of the borrowing powers of the company.

Amount limited.

Register of  
debenture  
stock.

8. The debenture stock aforesaid shall be entered by the company in a register or registers, to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons, from time to time, entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and such stock shall be transferable in such amounts and in such manner as the directors determine.

Transfers.

Debenture  
stock certificates.

9. The company shall, on demand, deliver to every holder aforesaid, a certificate, stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject; but no other rights or privileges shall be conferred upon the holders of debenture stock, in respect thereof, than are held or enjoyed by the holders of debentures of the company.

Registration  
of transfers.

10. All transfers of the debenture stock of the company shall be registered at the head office of the company, in Toronto, Ontario, but the company may have transfer books of such debenture stock in Great Britain or elsewhere, in which transfers of the said debenture stock may be made; but all such transfers shall be entered in the book to be kept at the head office in Toronto, aforesaid.

Exchange of  
debentures for  
debenture  
stock.

11. The holders of the debentures of the company may, with the consent of the directors, at any time, exchange such debentures for debenture stock.

Ranking of  
debenture  
stock and  
debentures.

12. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued, or to be issued, by the company.

Redemption  
of debenture  
stock.

13. The company may, from time to time, purchase in the open market and redeem any portion or portions of the debenture stock, representing moneys which the directors, by a resolution duly made, determine not to be required for the business of the company, but such purchase, paying off, or redemption, shall not in any wise extend, limit or prejudice the exercise of the borrowing powers of the company, under this Act.

14. The shareholders, by a resolution, passed as in section 2 of this Act prescribed, may authorize the conversion of the shares of the company into such number of shares of \$100 each, as the full amount of the shares of the company then represent, with such amount paid on such shares, when so converted, as shall have been then actually paid in cash to the company, on the shares of such holders thereof.

Shares may be converted into shares of \$100 each.

## CHAPTER 87.

### An Act to incorporate the Ontario Inland Marine Mutual Insurance Association.

[Assented to 23rd March, 1889.]

WHEREAS William Hall, James Thorold Mathews, Samuel Crangle, Solomon Sylvester, all of the city of Toronto, vessel owners; and John Foy, of the same place, manager of the Niagara Navigation Company, have by their petition prayed that a company may be incorporated under the name and for the purposes therein set forth; and whereas it is expedient to grant the prayer of the said petition, subject to the provisos and conditions hereinafter contained;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Hall, James Thorold Mathews, Samuel Crangle, Solomon Sylvester, all of the city of Toronto, vessel owners, and John Foy, of the same place, manager of the Niagara Navigation Company, having signified their intention to comply with the requirements of this Act, and such other persons as are now or hereafter shall become members of the said association shall be and are hereby created, constituted, and declared to be a body corporate and politic, by the name of the "Ontario Inland Marine Mutual Insurance Association," for the purpose of carrying on the business of insuring vessels plying in the Province of Ontario; or plying between the ports thereof and the adjacent lakes, including Lake Michigan, and all their canals and rivers as far as the harbour of Quebec inclusive; and also to insure their freights; such insured vessels being wholly or partly owned or registered in the said Province: Provided always, that before the issue of the initial or renewal license to do business there shall have been produced to the inspector of insurance *bona fide* applications binding the applicants to insure at least fifty vessels named therein, wholly or partly owned or registered in Ontario, on which the aggregate amount

Incorporation.

Proviso.

to be insured shall be not less than \$250,000, and a list of the said applications certified by the president and secretary of the association filed in the registry office for the city of Toronto, and also a copy of the said list certified by the registrar or his deputy filed in the office of the inspector of insurance.

First  
directors.

2. The business of the said association shall be transacted at the city of Toronto, and carried on by a board of directors, who shall at the time of their election hereinafter provided for, be members of the association, and William Hall, James Thorold Mathews, Samuel Crangle, Solomon Sylvester, John Foy, and Archibald Campbell of the town of Colborne, shall constitute the board of directors from the passing of this Act, until their successors are elected, and shall have and exercise all the powers hereinafter delegated to the board of directors of the association, and shall have special power to defray the preliminary and provisional expenses of the incorporation and organization of the association.

Number and  
election of  
directors.

3. The board of directors shall consist of not more than twelve, and not less than five, and they shall be elected at the annual general meeting of the association, from among the members thereof, or at a special meeting called for the purpose, and no person shall be eligible for the office of director without having insurance in the association to the amount of not less than \$5,000, and no member shall be entitled to vote at such meeting whose assessments are unpaid. The directors so elected shall hold office and exercise the functions and powers thereof until their successors shall have been elected.

President and  
vice-presi-  
dent.

4. The directors shall elect from among their number a president and vice-president, who shall hold office until their successors are elected.

Powers of  
directors.

5. The directors shall have power to classify risks, fix rates of premium notes and assessments for each class or description of interest insured, to regulate the terms of payment thereof, as hereinafter provided; to appoint a secretary, manager, treasurer or other officers; to settle losses, claims, necessary current and contingent expenses; to enact by-laws to regulate the internal management of the business of the association, and they shall enact the same before the first day of April, 1889, and when so enacted, the said by-laws shall form part of and be printed in the policy, which shall be Lloyd's form of policy varied by the by-laws of the association, issued to each member, and shall remain in force until altered or varied by the members of the association at an annual or special meeting thereof. There shall be an ordinary business meeting of the directors held monthly at the call of the president, and at said meeting any three shall constitute a quorum for the transaction of business.

6.—(1) Where any contract of inland marine insurance, entered into by virtue of this Act, is evidenced by a sealed or written instrument, all the terms and conditions of the contract shall be set forth either within the body of the instrument or by endorsement thereon, and no terms or conditions other than those so set forth shall be admitted in evidence to the prejudice of the insured or of his legal representatives or assigns.

Terms and conditions of written contracts to be set forth in full.

(2) The conditions of the policy of the association for the year then current shall be deemed to apply to any contract of the association other than contracts in the preceding subsection mentioned.

7.—(1) There shall be an annual meeting of the members of the association during the first week of March in each year, due notice of which shall be sent by the manager by post to each member; but a special meeting of the members may at any time be convened by three directors, or by any ten members in good standing, at not less than seven days' notice, for such purpose as may be found necessary in special matters relating to the business of the association.

Annual meeting.

Special meetings.

(2) At any general meeting of the association, whether annual or special, it shall be lawful for any member otherwise entitled to vote to cast his vote or votes by proxy, provided the said member has under his hand and seal duly authorized a member of the association present to act as his proxy in that behalf; and the form of proxy may be as shewn in the schedule to this Act.

(3) On the application of any member, it shall be the duty of the manager or secretary of the association to forward forthwith, post paid to the applicant's address, a form of proxy according to the schedule hereto, having first correctly supplied in the spaces left for the purpose the name of the member as registered on the policy register of the association, the policy number or numbers (as the case may be), of contracts with him then subsisting, the sum or sums respectively insured, and the number of votes to which the member is entitled under section 72 of chapter 167 of the Revised Statutes of Ontario, 1887, which section is herewith incorporated.

8. Respecting annual or special meetings of members, the provisions of sections 79 to 73, both inclusive, of chapter 167 of the Revised Statutes of Ontario, 1887, shall be taken and read as part of this Act: Provided that the financial statement required by section 70 shall have been certified over their signatures as correct by two competent auditors who shall not be or have been directors, officers, agents or employees of the association.

Rev. Stat., c. 167, ss. 70-73 to apply.

9. As soon as convenient after each annual meeting the secretary shall call a meeting of the board of directors for the election of the president and vice-president.

Election of president and vice-president.

Security by officers.

**10.** The treasurer or other officer of the company having charge of the money of the company shall give security of not less than \$5,000 for the faithful discharge of his duties.

Liability of members of association.

**11.** The members of the association shall only be liable for the debts, contracts and torts of the association which shall have arisen during the currency of their policy or policies, and no member shall in any case be liable to contribute more than the amount of his premium note or premium notes.

Assignments to render contract void.

**12.** If any applicant for insurance, in his application or at the making of the contract wilfully conceals or knowing of the same does not disclose any assignment of the subject matter insured, or any mortgage, encumbrance, lien or charge then existing thereon, the contract of insurance shall be void as against the association, and if subsequent to contract and without the written assent of the association, the insured, by himself or by his agent duly authorized thereto, assigns the subject matter insured, or mortgages, encumbers or charges the same except by way of bottomry bond or other charge effected for the relief of the vessel when in necessity or distress, such insurance shall be void as against the association, but the insured shall continue liable for any calls or assessments as if he were still insured: Provided that in any of the foregoing cases the association may by express waiver forego its right to avoid the contract, and may require the insured, by way of consideration for such waiver, to furnish to the satisfaction of the board of directors a guarantee for the payment in whole or in part of all calls and assessments made or to be made in respect of the said contract.

Proviso.

Premium notes.

**13.** Each member on entering the association, and annually on the renewal or during the continuance of his membership, shall give in respect of each and every contract under which he is insured a separate premium note, promising to pay a sum which shall not be less than ten per cent. nor more than forty per cent. of the sum insured.

Power of directors as to premium notes.

**14.** The board of directors shall have, in respect of the premium notes of the association, the same powers, duties and obligations as are enacted by chapter 167 of the Revised Statutes of Ontario, 1887, sections 123 to 133, both inclusive.

Rights of makers of premium notes.

**15.** Until in terms of section 132 of said chapter 167, any premium note held by the association is given up to the maker thereof, the maker not being in arrear for any lawful calls or assessments shall be deemed to be a member of the association, and shall be entitled to attend any meeting of the members thereof and vote thereat for the election of directors or for the determination of any question touching the transactions of the period in respect of which the premium note was given.

16. The following sections of chapter 167 of the Revised Statutes of Ontario, 1887, shall form part of this Act, except when the provisions of this Act are inconsistent therewith, that is to say :—

Certain sections of Rev. Stat., c. 167, to apply.

Section 7.

- " 20 to 23, both inclusive.
- " 55 to 63, "
- " 70 to 73, "
- " 79, 80, 82 and 83.
- " 90, 91 and 98.
- " 100 to 105, both inclusive.
- " 122 to 133, "
- " 136.
- " 138 to 154, both inclusive.

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SCHEDULE.

(Section 7.)

PROXY TO VOTE.

Know all men by these presents, that I, \_\_\_\_\_, of \_\_\_\_\_, being a member of the Ontario Inland Marine Mutual Insurance Association, and having insurance under policy (or policies) of the said Association, numbered \_\_\_\_\_, and insuring property or interests of undersigned for the respective sums of \_\_\_\_\_, and being in respect of said policy (or policies) entitled to cast *(one, two or more, as the case may be)* votes, do hereby authorize and empower \_\_\_\_\_, of \_\_\_\_\_, also a member of the said Association, to act for me, and in my behalf to vote in all matters affecting the interests of the Association, at a \_\_\_\_\_ meeting of the said Association, to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, hereby ratifying and confirming and agreeing to ratify and confirm all that he shall do therein by virtue hereof.

In witness whereof I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_.

Signed, sealed and delivered }  
in presence of }



## CHAPTER 88.

An Act respecting the Ontario and Sault Ste. Marie Water, Light and Power Company and the Town of Sault Ste. Marie.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the Sault Ste. Marie Water, Gas, and Light Company have been incorporated under the provisions of Chapter 164 of the Revised Statutes of Ontario, 1887, for the purpose of supplying the municipality of the town of Sault Ste. Marie with both water and light, and the council of the corporation of the town of Sault Ste. Marie have passed the several by-laws and entered into the several contracts and agreements with the said company, respecting such supply of water and light, and the development of water power set forth in the schedule hereto; and whereas the said company alleges that it will materially assist them in carrying out their said contracts with the said municipality, and enable them to supply both water and light at much lower rates, if increased powers be granted to them, to enable them to avail themselves of the water from the rapids of the St. Mary's river for power and other purposes generally, as well as for water works, and water, and light purposes; and whereas it appears that doubts have arisen as to the powers of the said company and corporation in respect to some of the objects contemplated by them, and they are desirous of having additional powers conferred upon the said company, and of having the said several by-laws and agreements validated and confirmed by special legislation, and declared binding upon the company and municipality respectively, and all other persons interested therein; and whereas the said company is desirous of changing its name, and the said company and corporation of the town of Sault Ste. Marie have, by their petition, prayed that special legislation may be granted to them for the several purposes above-mentioned; and whereas it is expedient to grant the prayer of the said petitions, subject to the provisions hereinafter contained;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Name of company.

1. The name of the Sault Ste. Marie Water, Gas, and Light Company is hereby changed to, and the said company shall be hereafter known and designated as the Ontario and Sault Ste. Marie Water, Light, and Power Company.

By-laws and agreements confirmed.

2. The several by-laws heretofore passed by the council of the corporation of the town of Sault Ste. Marie, respecting the supply of water and light, in and for the said municipality by the

the said, the Sault Ste. Marie Water, Gas and Light Company, and the development of water power within the limits of the said municipality, which by-laws are mentioned in the schedule hereto, and also the several contracts and agreements heretofore made and entered into between the corporation of the town of Sault Ste. Marie and the Sault Ste. Marie Water, Gas and Light Company mentioned in the schedule hereto, are hereby confirmed, and are declared to be valid and binding upon the said corporation of the town of Sault Ste. Marie and the said the Ontario and Sault Ste. Marie Water, Light, and Power Company, and upon all other persons interested therein: Provided that nothing herein contained shall in any way prejudice or affect the question of costs of any action or proceeding now pending wherein the validity of any of the said by-laws or agreements is called in question.

3. The said company is declared to have, and shall have and enjoy under this Act all the powers which are held and enjoyed by companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, being Chapter 165, of the Revised Statutes of Ontario, 1887.

Company to have powers conferred by Rev. Stat. c. 165.

4. After having acquired the land or property necessary for the carrying out of the works hereinafter mentioned, the company shall have the power to erect engines and employ hydraulic power, and for such purposes to erect, construct, and maintain a dam or dams across the inland channels or rapids of the St. Mary's River, or of any branch thereof within the Province of Ontario, and also to conduct water from the said river and the various branches thereof, and streams entering therein by canals or flumes to be made by the company at any place on the said rapids along the shores thereof for hydraulic purposes, and may also construct all necessary locks, piers, wharves and other works on the canals, and may extend its works into, and take possession of the bed and beach of the said St. Mary's River at the entrance of the canals or flumes, and for the foundations of the same in their entire length, and at any point at which it may be found expedient to provide an outlet or outlets for the waters of the canals or flumes, or tail-races for water-powers taken from the said canal or flumes; the company may for the purposes of survey, enter upon all lands on the line of the rapids, and from time to time may purchase, acquire, hold, and enjoy all lands necessary for all the above purposes, and such ditches as may be necessary along the banks of the said river and streams, or for a road on either or both sides of the river branches, canals and flumes; the company may make all bridges, intersections, crossings, whether through, under, or upon public or private roads, or any aqueduct or canal, and may erect all necessary dams, piers, wharves, raceways, flumes, canals, or other works to secure the necessary supply of water for the works, and may construct and maintain

Power to enter on lands and to make dams, etc.

tain such buildings, mills, machinery, tramways, or railways and switches, wharves and piers, dams, canals, raceways, and other conduits and works as may be requisite, or may be deemed advantageous for carrying on the business of the said company: Provided that it shall be responsible for all damages arising from inundations, if any, which its dams may cause, and all damages which may be caused by the carrying out or maintenance of any of its works: Provided that nothing herein contained shall be held to confer the right of expropriating any land or interest therein, or any water or other privilege, and the provisions of this section so far as they affect or may affect the rights or interests of the Crown or any individual shall be taken advantage of and exercised only with the consent of the Crown or such individual in that behalf first obtained.

Proviso.

Proviso.

Power to divert streets, etc.

5. The company may alter or change the location of, divert or straighten any private or other street, road, right-of-way or other easement now extending across the lands belonging to the said company, and may carry any such road over and across their flumes, raceways and conduits by means of bridges or in such other way as they may think fit, subject to the right of any person entitled to the use of any such road, right-of-way or other easement to receive compensation for any damage which he may sustain by reason of the exercise of the company's powers as hereinafter provided; but the powers by this section conferred shall only be exercised by the said company with the consent of the council of the corporation of the town of Sault Ste. Marie, and subject to the provisions of a by-law of the said council passed in that behalf.

Power to construct slides, piers, etc.

6. The said company may also construct, build and maintain slides, piers, dams, booms and other necessary works to facilitate the transmission of timber and saw-logs down the said St. Mary's River, and may also construct and maintain such piers and booms and other works as may be necessary at the entrances to and at the outlets from their said flumes, canals, raceways and tail-races for sorting and storing timber and saw-logs.

Authority to sell or lease water-power and lands.

7. The company may use, sell, lease, and otherwise dispose of the surplus water from the dams, flumes, raceways, or canals which it does not require, but which might be found useful and applicable to drive any machinery in mills, warehouses, and factories, and may purchase, acquire, hold, or possess lands along the sides of the flumes, dams, raceways, or canals on either or both sides thereof, and down to the river, and may sell, dispose of, or let and lease the said lands with or without water-power, on such terms and conditions as they may think fit.

8. It shall be lawful for the said company from time to time to acquire by purchase or otherwise, any patent or other rights for, and to manufacture, buy, sell, lease, and let for hire all electro-motors, dynamos, generators, machines, apparatus, lamps, and other things required for generating, manufacturing, distributing, and using electricity for light, heat, power, or any other purpose or use to which the same may be applicable, and also to supply, fit out, and establish in any municipality all electrical plant, machinery, and apparatus which may be required by any such municipality, or any person or body corporate for using electricity for any of the purposes to which the same can be applied upon such terms as may be agreed upon.

Power to  
acquire patent  
and other  
rights etc.

9. The said company on the one part, and any municipal or other public corporation or body, on the other, may enter into and carry into effect contracts and agreements for one or more years, for and with respect to the supply to such corporation or body of electric light or other illuminant, water, and water or other motive power, and any fittings required therefor.

Agreements  
with municipi-  
palities.

10. The company shall make to the owners or occupiers of or others persons interested in real property injuriously affected by the exercise of their powers, due compensation for damages, including cost of fencing when required, necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated works; and any such claim for compensation, if not mutually agreed upon, shall be determined by arbitration, under the provisions of chapter 164, of the Revised Statutes of Ontario, 1887, in that behalf.

Compensation  
to be made to  
persons inter-  
ested.

11. The company may issue paid up shares of the capital stock thereof to any persons or body corporate in payment of all purchases or contracts and generally for all lands, privileges, patent rights, material, work and services for which it shall be obliged to pay.

Payments  
may be made  
in stock.

12. The debentures to be issued by the said company to the amount of \$160,000 with interest guaranteed thereon at the rate of five per centum per annum for the period of twenty years, pursuant to the agreement of the 26th day of December, 1888, and by-law No. 47 passed by the council of the town of Sault Ste. Marie, set forth in the schedule hereto, are hereby declared to be valid and binding upon the company, and the guaranteeing of the interest as aforesaid upon the said debentures by the said corporation of the town of Sault Ste. Marie, is hereby declared to be valid and binding upon the said corporation of the town of Sault Ste. Marie and the ratepayers thereof.

Debentures  
confirmed.

Forfeiture of  
works by  
corporation.

**13.** In case the corporation of the town of Sault Ste. Marie shall at any time exercise the right of forfeiture granted to them by the terms of the agreements of the 26th day of December, 1888, and the 7th day of February, 1889, mentioned in the schedule to this Act then notwithstanding anything in the said agreements contained, the corporation may take and hold all the plant, works, lands and property of the said company subject only to the payment of the \$160,000 bonds of the company, the interest upon which is guaranteed by the said corporation according to the said by-laws and agreements, and in case the corporation shall exercise the said right of forfeiture notice of their intention to exercise such right may be sufficiently given to the bondholders, mortgagees, and other creditors of the said company by notice inserted in four weekly issues of a local newspaper and once a week for four weeks in any daily newspaper published in the city of Toronto and also in the *Ontario Gazette*.

Works to be  
constructed so  
as not to  
endanger  
public health  
or safety.

**14.** The company shall locate and construct their works and all apparatus and appurtenances thereunto belonging or appertaining so as not to endanger the public health or safety, and the works, apparatus and appurtenances shall at all reasonable times be subject to the visit and inspection of the municipal authorities of the municipality within the limits whereof they are situate, reasonable notice thereof being previously given to the company, and the company, their servants and workmen shall at all times obey all just and reasonable orders and directions they shall receive from the municipal authorities in that respect.

Penalty for  
unlawfully  
using  
company's  
works.

**15.** If any person lays or causes to be laid any pipe or constructs or makes any other connection with the water, dams, flumes, raceways or canals, or other conduits of the company, or any of them, so as to take any water therefrom for any purpose whatever or in any way obtains or uses the waters from any of its dams, flumes, raceways, canals or other conduits in any manner whatever, without the consent of the company, he shall forfeit and pay to the company the sum of \$100, and also a further sum of \$10 for each day during which such communication remains, the same to be collectable by action in any Court of competent jurisdiction, and no person shall make any such connection or take any water from any dam, flume, raceway, canal or other conduit of or belonging to the company without the consent of the company first had and obtained in writing for that purpose.

Penalty for  
destroying  
company's  
property.

**16.** If any person wilfully or maliciously breaks up, pulls down or damages, injures, or puts out of order or destroys any dam, flume, raceway, canal or conduit or any other property or works of the company, or fouls or renders impure the waters therein or any part thereof by throwing offensive matter therein or permitting any offensive matter to escape from his  
or

or her premises into the works or premises of the company, such person shall, on conviction thereof before a Justice of the Peace or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the company a penalty not exceeding \$20, together with costs of prosecution, or be confined in the common gaol of the district of Algoma for a period not exceeding three months, as to such Justice seems meet.

### SCHEDULE.

1. By-law No. 34.—To authorize James Connée, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer and Henry Coulthard Hamilton, as a company to lay down pipes for the conveyance of both water and gas under the streets, squares and other public places in the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, 22nd June, 1888.

2. By-law No. 39.—To authorize the Sault Ste. Marie Water, Gas and Light Company to construct water-works for the municipality of the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, 17th August, 1888.

3. By-law No. 40.—To exempt from taxation the property of the Sault Ste. Marie Water, Gas and Light Company, passed by the council of the town of Sault Ste. Marie, 17th August, 1888.

4. By-law No. 41.—To authorize the Sault Ste. Marie Water, Gas and Light Company to construct electric light works for the municipality of the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, 17th August, 1888.

5. By-law No. 42.—To grant to the Sault Ste. Marie Water, Gas and Light Company the power to enter upon and appropriate certain lands, passed by the council of the town of Sault Ste. Marie, 18th August, 1888.

6. By-law No. 44.—To confirm by-law No. 41 of the municipal council of the town of Sault Ste. Marie, and to confirm a certain agreement made and entered into between the Sault Ste. Marie Water, Gas and Light Company and the corporation of the town of Sault Ste. Marie, dated the twenty-seventh day of August, A.D. 1888, to construct electric light works and to supply electric light for the municipality of the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, 27th August, 1888.

7. By-law No. 45.—To confirm by-law No. 39 of the municipal council of the town of Sault Ste. Marie, and to confirm a certain agreement made and entered into between the Sault Ste. Marie Water, Gas and Light Company and the corporation of the town of Sault Ste. Marie, dated the 27th day of August, 1888, to construct waterworks and to supply water for the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, 27th August, 1888.

8. By-law No. 47.—To provide for guaranteeing the payment of interest at the rate of five per centum per annum on \$160,000 of the debentures of the Sault Ste. Marie Water, Gas and Light Company, passed by the council of the town of Sault Ste. Marie, 29th December, 1888.

9. By-law No. 52.—To authorize an agreement to remove doubts as to the several agreements heretofore made and entered into between the Sault Ste. Marie Water, Gas and Light Company and the corporation of the town of Sault Ste. Marie, and to provide for the adoption and use of the Heisler incandescent electric light in lieu of the Arc light system, in the town of Sault Ste. Marie, passed by the council of the town of Sault Ste. Marie, February, 1889.

10. Agreement dated the 27th August, 1888, between the Sault Ste. Marie Water, Gas and Light Company, therein called the company of the first part, and the corporation of the town of Sault Ste. Marie, therein called the corporation of the second part, to supply the municipality of the town of Sault Ste. Marie with water.

11. Agreement dated 27th August, 1888, between the Sault Ste. Marie Water, Gas and Light Company, therein called the company of the first part, and the corporation of the town of Sault Ste. Marie, therein called the corporation of the second part, providing for supplying the town of Sault Ste. Marie with electric light.

12. Agreement dated 26th December, 1888, between the Sault Ste. Marie Water, Gas and Light Company, of the first part, and the corporation of the town of Sault Ste. Marie, of the second part, relating to the by-law No. 47, providing for guaranteeing interest on \$160,000 debentures of the company.

13. Agreement dated 7th February, 1889, between the Sault Ste. Marie Water, Gas and Light Company, of the first part, and the corporation of the town of Sault Ste. Marie, to remove doubts as to the intent and meaning of the said agreement of the 28th December, 1888.

## CHAPTER 89.

### An Act respecting the Port Arthur Water, Light and Power Company.

[Assented to 23rd March, 1889.]

Preamble,

WHEREAS the Port Arthur Water, Light and Power Company have by their petition represented that it is desirable to confirm certain by-laws heretofore passed by the council of the corporation of the town of Port Arthur, providing for supplying the said town with both water and electric light, and to legalize and confirm certain contracts made between the corporation of the town of Port Arthur and the company in relation thereto, and to confer on the company additional powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws and agreements confirmed.

1. The several by-laws heretofore passed by the council of the corporation of the town of Port Arthur, respecting the supply of water and light in and for the said municipality, by the Port Arthur Water, Light and Power Company, and the development of water power within the limits of the said municipality, and the several contracts and agreements which have been heretofore made and entered into by and between the said Port Arthur Water, Light and Power Company and the corporation of the town of Port Arthur, for supplying the said town with both water and light, and for developing water power within the limits of the said municipality, all of which

which by-laws and agreements are mentioned in the schedule hereto, are hereby confirmed and declared to be good, valid and subsisting by-laws and contracts, and to be valid and binding upon the said corporation of the town of Port Arthur and the said Port Arthur Water, Light and Power Company, their successors and assigns respectively, as well as upon the ratepayers and inhabitants of the said town of Port Arthur and all other persons interested therein.

2. The company shall make, to the owners or occupiers of or other persons interested in real property entered upon, taken or used by them in the exercise of any of their powers or injuriously affected by the exercise of their powers, due compensation for water taken or water rights affected and damages, including cost of fencing when required, necessarily resulting from the exercise of any of their powers, and any such claim for such compensation, if not mutually agreed upon, shall be determined by arbitration, in the same manner as under the provisions of Chapter 164, of the Revised Statutes of Ontario, 1887, in that behalf: Compensation to be made to persons interested. Provided always that at the option of the owners for the time being of Block A on Current River, compensation may be made by the arbitrators allowing and ordering to such owners or the occupiers of that lot the supply of a quantity of water for working mines upon such property, and the arbitrators shall by their award define the quantity of water to be supplied and the terms and conditions upon which the same is to be taken, with all proper and necessary details. Proviso.

3. The company shall not be at liberty to construct any works over, through, under or upon or otherwise interfere with or injure any private property without first having obtained the consent of the owner or occupier thereof or without payment of compensation to be determined by reference to arbitration as above provided; provided, however, When company may enter on land. that the company may, with its surveyors and agents, enter upon any lands or real property at any time, for the purpose of surveying the same and setting off the portions thereof required by the company. Proviso.

4. For all lands taken and used or flooded by reason of any of the dams or other works of the company, and which lands have been patented or agreed to be sold by the Crown, the company, its successors or assigns, shall make compensation to the owners thereof, for the value thereof or for the injury done to said lands, such value or compensation to be ascertained as hereinbefore provided. Liability in respect of land taken or injured.

5. The company may issue paid-up shares of the capital stock thereof to any persons or bodies corporate who may be willing to accept the same in payment of all purchases or contracts Payments in stock authorized.

tracts and generally for all lands, privileges, patents and patent rights, material, work and services for which it shall be obliged to pay.

Power to  
dispose of  
water power.

6. The company may use, sell, lease or let and otherwise dispose of the surplus water from the dams, reservoirs, flumes, raceways, canals and other conduits which it will not require for water-works purposes and electric lighting purposes, but which might be found useful and applicable to drive any machinery in mills, warehouses and factories, and may purchase, acquire, hold or possess lands along the sides of the flumes, dams, raceways or canals on either or both sides thereof, and may sell, dispose of or let and lease the said lands with or without water power on such terms and conditions as they may think fit.

Penalty for  
injuring  
company's  
works.

7. Any injury done to or interference with the works of the company or with their servants shall render the offender or offenders liable to the penalties mentioned in and to be punished in manner provided by sections 83 to 93, both inclusive, of Chapter 164 of the Revised Statutes of Ontario, 1887, which are hereby incorporated with and made part of this Act.

### SCHEDULE.

1. By-law No. 212, respecting the Port Arthur Water, Light and Power Company, passed by the council of the town of Port Arthur 12th November, 1888.

2. By-law No. 215, Ancillary to by-law No. 212, respecting the Port Arthur Water, Light and Power Company, passed by the council of the town of Port Arthur 6th December, 1888.

3. By-law No. 217, respecting the Port Arthur Water, Light and Power Company with regard to lighting, passed by the council of the town of Port Arthur 21st December, 1888.

4. Agreement dated the 6th December, 1888, made between the Port Arthur Water, Light and Power Company providing for water-works and water supply for Port Arthur.

## CHAPTER 90.

An Act to confer certain powers upon the Board of Trade of the City of Toronto.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the Board of Trade of the city of Toronto, hereinafter called the Board of Trade, incorporated by the Act of the Legislature of the late Province of Canada, passed in the eighth year of Her Majesty's reign, chapter 24, intituled "*An Act to Incorporate the Board of Trade of the*"

the City of Toronto" and further empowered by the Act passed in the forty-seventh year of Her Majesty's reign, chapter 46, intituled "*An Act to amalgamate the Board of Trade of the City of Toronto and the Toronto Corn Exchange Association,*" having power under the said Acts to require their members to submit differences arising between them to arbitration in the manner set out in the said Acts and in the rules and regulations of the said Board of Trade made or to be made from time to time, have petitioned for an Act to confer upon them, the said Board of Trade and officials thereof, certain powers in respect of such arbitrations and with respect to enforcing of awards, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case of any arbitration under or pursuant to the powers or authority or at the instance of the said Board of Trade or the officers thereof, any party thereto may without leave or order obtain and issue from and out of any of the Divisions of the High Court of Justice for Ontario a subpœna commanding the attendance and examination of any witness, and also the production of any documents to and before the arbitrators and at the time and place mentioned in such subpœna. Issue of sub-pœnas.

2. If in addition to the service of such subpœna an appointment of the time and place of attendance in obedience thereto signed by the president of the said Board of Trade or the chairman of any arbitration committee thereof, or by one of the arbitrators before whom the attendance is required is served either together with or after the service of such subpœna, the disobedience of any such subpœna shall be deemed a contempt of court, but the person whose attendance is required shall be entitled to the like conduct money and payment of expenses, and for loss of time as for and upon attendance at any trial, and no person shall be compelled to produce under any such subpœna any writing or other document that he would not be compelled to produce at a trial or to attend for more than two consecutive days to be named in such subpœna. Compelling attendance of witnesses.

3. The witnesses upon any such reference shall unless the parties otherwise agree or consent be examined upon oath and one of the arbitrators may administer an oath to any such witness, or take his affirmation in any case where an affirmation is allowed by law instead of an oath. Evidence to be under oath.

4. Any agreement of submission to arbitration, made in writing and signed by the parties thereto in pursuance of the provisions Agreement may be made a rule of Court.

Rev. Stat.  
c. 53.

provisions of the Acts and the rules and regulations hereinbefore mentioned, shall be deemed a consent or voluntary submission within the meaning of *An Act respecting Arbitrations and References*, and may be made a rule or order of any of the Divisions of the High Court of Justice or of a County Court, unless such agreement of submission contains words purporting that the parties intended that it should not be made a rule or order of Court.

## CHAPTER 91.

### An Act respecting the Boards of the Baptist Convention of Ontario and Quebec.

[Assented to 23rd March, 1889.]

Preamble:

WHEREAS an Act is now before the Parliament of Canada, intituled "*An Act respecting the Baptist Convention of Ontario and Quebec*," for the purpose of placing the work of the various denominational societies of the Baptist Churches of the said Provinces under the control of representatives of the said churches; and whereas by the said Act it is proposed to authorize the said convention to appoint members of the following boards, namely: (1) The Home Mission Board of the Baptist Convention, (2) The Foreign Mission Board of the Baptist Convention, (3) The Ministerial Superannuation Board of the Baptist Convention, (4) The Publication Board of the Baptist Convention, (5) The Church Edifice Board of the Baptist Convention; and whereas it is intended that each of the said boards shall be a corporate body with certain powers and purposes as in the said Act set forth; and whereas it is expedient that the Legislature of Ontario should grant to the said boards the powers hereinafter conferred; and whereas it is expedient that the Home Missionary Society of Ontario should be merged in the said Home Mission Board of the Baptist Convention, and that the authority now possessed by the Regular Baptist Missionary Society of Ontario and the Regular Baptist Missionary Convention East (which bodies have since become united) to appoint sixteen members of the Board of Governors of McMaster University be transferred to the said Baptist convention of Ontario and Quebec, and the bodies interested have petitioned therefor; and whereas the Regular Baptist Church Edifice Society of Ontario and Quebec, and the society for the relief of superannuated regular Baptist ministers, and the widows and orphans of regular Baptist ministers are two unincorporated societies respectively formed by the voluntary association of members of regular Baptist Churches with objects similar to the purposes of the said "The Church Edifice Board of the Baptist Convention" and of the said "Ministerial Superannuation

Superannuation Board of the Baptist Convention," and it is desired that the said unincorporated societies should be dissolved and their property vested in the said two last mentioned boards, and the said societies have respectively petitioned therefor; and whereas to prevent embarrassment it is desirable that this Act should be passed at the present Session of the Legislature, with a provision that the same shall not come into force until a proclamation of the Lieutenant-Governor issues naming a day therefor, so that the same may not take effect until the said proposed Act of Parliament has been passed; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Each of the boards mentioned in the said Act of the Parliament of Canada shall have authority to take by gift, Power to hold lands. devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and may alienate the same at pleasure, provided always that no real estate not actually occupied for the purposes of the board by which it is held shall be held for a longer period than seven years, and the lands in Ontario held by the board shall not exceed in annual value the sum of \$5,000 at any one time: Provided that no gift or devise of any real estate or of any interest therein shall be valid unless made by deed or will executed by the donor or testator at least six months before his death.
2. The sixteen members of the board of governors of McMaster University who, by sections 2 and 6 of the Act incorporating the said University, are to be elected by the Regular Baptist Missionary Society of Ontario and by the Regular Baptist Missionary Convention East or by the united society, shall, after this Act goes into force, as vacancies occur, be elected by the said Baptist Convention of Ontario and Quebec. Election of governors of McMaster University.
3. When this Act goes into force the rights, property and liabilities of the Regular Baptist Missionary Society of Ontario, incorporated by the Act of the Legislature of Ontario, passed in the thirty-fifth year of Her Majesty's reign, chapter 110, as amended by the Act passed in the forty-ninth year of Her Majesty's reign, chapter 88, shall become vested in the said Home Mission Board of the Baptist Convention, and the said society shall thereupon cease to exist. Certain rights vested in Home Mission Board.
4. When this Act goes into force the rights, property and liabilities of the said Regular Baptist Church Edifice Society of Ontario and Quebec, so far as the same are within the authority of this Legislature, shall become vested in the said Church Edifice Board of the Baptist Convention, and any Certain rights vested in Church Edifice Board. person

person or persons holding property, within the authority of this Legislature, in trust for the said society may transfer and convey the same to the said board, and shall thenceforth be relieved of his or their trust.

Certain rights  
vested in  
Ministerial  
Superannua-  
tion Board.

5. When this Act goes into force the rights, property and liabilities of the said society for the relief of superannuated regular Baptist ministers and the widows and orphans of regular Baptist ministers, so far as the same are within the authority of this Legislature, shall be vested in the Ministerial Superannuation Board of the Baptist Convention, and any person or persons holding property within the authority of this Legislature, in trust for the said society may transfer and convey the same to the said board, and shall be thenceforth relieved of his or their trust.

Commence-  
ment of Act.

6. This Act shall not go into force or effect until a day to be named with respect thereto by proclamation of the Lieutenant-Governor.

## CHAPTER 92.

An Act to enable the Presbytery of Guelph to set apart for burial purposes and to sell certain glebe lands in the Township of Puslinch.

*[Assented to 23rd March, 1889.]*

Preamble.

WHEREAS the Presbytery of Guelph of the Presbyterian Church in Canada have by their petition represented that on the 5th day of July, 1836, by Letters Patent issued under the Great Seal of the Province of Upper Canada, there was granted to certain trustees therein named and to their heirs and assigns for ever, the front half of lot No. 28 in the eighth concession north of the road from Guelph to Dundas in the township of Puslinch, containing about one hundred acres, to have and to hold the same in trust to and for the site of a school and church in connection with the Church of Scotland in the said township of Puslinch; that prior to the year 1844 a small church was built on the said lands, and that ten acres of the said lands were laid out and used as a burial ground; that prior to the year 1844 another congregation in connection with the Church of Scotland had been formed and become known as the congregation of Knox Church, West Puslinch; that in the year 1844 the said new congregation and the great majority of the old congregation seceded from the Presbyterian Church of Canada in connection with the Church of Scotland, that the original congregation occupied the said church property, and also acquired lands in  
the

the said township immediately opposite the land in question and formed a congregation now known as Duff's church; that a few families belonging to the said old congregation still adhered to the Church of Scotland, and that occasional services were held in the church on the land in question; that in the year 1875 the lands in question, pursuant to the Act of the Province of Ontario passed in the thirty-eighth year of Her Majesty's reign, chapter 75, became vested in the trustees thereof in trust for the congregation worshipping therein in connection or in communion with the Presbyterian Church in Canada, the said congregation in connection with the Church of Scotland not having dissented from the Union under the provisions of the said statute; that in the year 1886 an additional ten acres or thereabouts were laid out for the purpose of a burial ground; that save as aforesaid the said lands have become unnecessary to be retained for the use of the Presbyterian Church in Canada; that the trustees decline to sell or make available the said lands, being uncertain as to how the proceeds thereof should be distributed; that the said ten acres of said lands now used, and the additional portion recently set apart for the purpose of a burial ground, are required for that purpose for the use of the congregations of the Presbyterian Church in Canada in the said township of Puslinch and other denominations; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That portion of the said lands heretofore used for the purposes of a burial ground, with the additional portion lately set apart, containing nineteen acres, one rood and thirty-two square perches of land, be the same more or less, comprising a portion of the front half of lot No. 28 in the 8th concession north of the road from Guelph to Dundas, in the township of Puslinch, in the county of Wellington and Province of Ontario, and which may be more particularly described as follows, that is to say: Commencing at the intersection of the division line between lots Nos. 27 and 28 in said 8th concession with the northerly limit of the said road from Guelph to Dundas; thence north-easterly along said division line between lots 27 and 28 a distance of twenty-four chains and thirty-four and-a-half links to a stake; thence in a south-easterly direction at right angles to said division line between lots 27 and 28 a distance of eight chains and ten links to a stake; thence in a south-westerly direction and parallel to the said division line between lots Nos. 27 and 28 to the northerly limit of the said road from Guelph to Dundas; thence north-westerly along the aforesaid road, following the several windings thereof, to the place of beginning; shall, as soon as two trustees are nominated and appointed for the purpose by each of the two congregations of the

Lands to be  
vested in  
trustees.

Rev. Stat.  
c. 237.

the Presbyterian Church in Canada in the township of Puslinch, in accordance, as nearly as may be, with the provisions of *The Act respecting the Property of Religious Institutions*, without any conveyance or assignment, vest in the said trustees and be held by them and their successors in office in trust for the purposes of a burial ground for the use of members and adherents of the Presbyterian Church in Canada in the township of Puslinch and other denominations, upon such terms and in such manner as the Presbytery of Guelph of the said Church may from time to time determine.

Power to sell  
lands.

2. The remaining portion of the said lands may be sold by the said Presbytery of Guelph at such time and in such manner and upon such terms as they may deem fit, and the conveyance of the said lands or any portion thereof under the hands and seals of the moderator and clerk for the time being of the said Presbytery of Guelph, shall vest in the purchaser or purchasers of the said lands, or of any part thereof that may be sold, a freehold estate in fee simple.

Application of  
proceeds of  
sales.

3. The proceeds of any sale or sales and all accrued rents, after deducting the costs, charges and expenses connected therewith and connected with the care and management of the said lands and the costs and expenses paid and incurred by William Falconer in defending the possession of the said lands and the costs and expenses incurred in procuring this Act, are to be applied by the said Presbytery for the use and benefit of the now existing congregations of the Presbyterian Church in Canada in the township of Puslinch in such manner and in such proportions as the said Presbytery may from time to time, as the moneys are received, determine.

## CHAPTER 93.

An Act to authorize the Synod of the Diocese of Huron to sell certain lands.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the incorporated Synod of the Diocese of Huron have by their petition represented that by deed dated the 24th day of May, 1862, one Thomas Davies Luard, since deceased, did grant and convey to the Church Society of the Diocese of Huron and their assigns for ever, five acres of land, more or less, in the township of Colborne, in the county of Huron, described as follows :—Commencing at the north-east angle of lot number nineteen, lake range concession, in the said township of Colborne, thence due north sixty degrees and fifty-four minutes west, along the southerly limit of the road allowance between the townships of Ashfield and Colborne a distance of ten chains, thence due south five chains and

and eighty links, thence due south sixty degrees and fifty-four minutes east ten chains, thence due north five chains and eighty links, more or less, to the place of beginning, upon trust to hold the same for ever thereafter, for the use of a church of the United Church of England and Ireland, to be erected upon the said parcel or tract of land, and also as a site for a parsonage house for the use of a clergyman doing duty at the said church ; and that by an Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, chapter 74, intituled "*An Act to incorporate the Synod of the Diocese of Huron and to unite the Church Society of the Diocese of Huron therewith,*" the said parcel or tract of land became and has ever since continued to be and now is vested in the said Synod, upon the same trusts as theretofore held by the said Church Society as aforesaid ; and that the said Synod have received and are the holders in trust of a certain fund now amounting, with the accumulations of interest thereof, to the sum of about \$800, towards the erection of the said church ; and that neither church nor parsonage house has ever been erected upon the said land, the position of the same being inconvenient and unsuitable for the purpose, with relation to the members of the said church resident in the neighbourhood, who compose a congregation worshipping in a temporary building in the village of Port Albert, distant about two miles and a half from the said land, and who have petitioned the Bishop of the Diocese of Huron and the said Synod for the sale of the said land and the application of the proceeds thereof, as well as of the said sum of about \$800, towards the erection of a church in the said village, and have petitioned for an Act authorizing and empowering the said Synod to sell and convey the said land and apply the proceeds thereof, as well as the fund referred to, towards the erection of a church in that neighbourhood, upon a site to be approved of by the Bishop of the Diocese of Huron, for the time being ; and whereas the erection of the said church there will be a substantial compliance with the intention of the donors of the said land and money ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The incorporated Synod of the Diocese of Huron may <sup>Power to sell</sup> sell and absolutely dispose of the said land or of any part <sup>lands.</sup> thereof and apply the proceeds arising therefrom, as well as the said fund so held by them in trust as aforesaid, towards the erection of a church of the Church of England in Canada, in, or in the neighbourhood of the village of Port Albert, upon a site to be approved of by the Bishop of Huron for the time being.

2. No purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act. <sup>Purchaser not liable for application of purchase money.</sup>

## CHAPTER 94.

## An Act respecting St. Andrew's Church, Darlington.

[Assented to 23rd March, 1889.]

## Preamble.

WHEREAS the Reverend D. J. Macdonnell and Archibald McMurphy, both of the city of Toronto, are trustees of a certain fund known as the "Seton Fund" a portion of which has been applied to the purchase of a lot in the township of Uxbridge in the county of Ontario, for the congregation of St. Andrew's Church, Darlington, in connection with the Presbyterian Church in Canada; and whereas the said lot was subsequently sold and the proceeds of such sale are held by the trustees of the said "Seton Fund" together with Robert Colville of the village of Orono, in the county of Durham, he being a trustee for the said St. Andrew's congregation, Darlington, for the use and benefit of the minister of the said St. Andrew's congregation; and whereas the said Robert Colville is also a trustee of the said St. Andrew's congregation manse property situate, lying, and being in the township of Darlington, now in the town of Bowmanville in the county of Durham, and the Province of Ontario, containing by admeasurement four acres, be the same more or less, being composed of part of the south half of lot number eleven in the second concession of the said township of Darlington, described as follows:—Commencing at the north-east angle of the said piece of land and at the south-east corner of nine acres sold to Robert Armour, then south seventy-four degrees west ten chains, then south sixteen degrees east three chains and sixty-eight and one-half links, then north seventy-four degrees east ten chains to the road between lots ten and eleven, then north sixteen degrees west three chains and sixty-eight and one-half links to the place of beginning; and whereas the said Robert Colville is also a trustee of the said St. Andrew's Church property, situate, lying and being in the town of Bowmanville aforesaid and more particularly described as follows:—Being town lots numbers one hundred and fifty-seven and one hundred and fifty-eight in block Q in the town of Bowmanville, being part of the north half of lot number twelve in the first concession of the township of Darlington, now in the town of Bowmanville, containing one-half an acre be the same more or less, a small part of which had been used for a burying ground many years ago; and whereas the Reverend Adam Spencer, of the said town of Bowmanville, has presented a claim against the said St. Andrew's congregation; and whereas the Presbytery of Whitby, in connection with the said Presbyterian Church in Canada, through its moderator and clerk, and the said Reverend D. J. Macdonnell, Archibald McMurphy and Robert Colville, as such trustees aforesaid, and the said Reverend Adam Spencer,

Spencer, and the said St. Andrew's congregation, through the Reverend A. A. Drummond, chairman of a congregational meeting, duly called have, on behalf of all the parties concerned, by their petition represented that since August, 1883, the said congregation has not met for worship, that the church edifice was destroyed by fire in October, 1884, and that many of the members of the said congregation have joined other congregations; and whereas differences existing between the Reverend Adam Spencer and the people of the said St. Andrew's congregation as to the amount due and owing to the said the Reverend Adam Spencer have been satisfactorily settled between the parties concerned as hereinafter referred to; and whereas as a result of such settlement between the said Reverend Adam Spencer and the said congregation it is necessary to provide for the payment of such sum of money aforesaid; and whereas the manse property and church site respectively aforesaid, are not further required for the purposes for which they were formerly set apart and used; and whereas it is desirable that the trustees nominated by the said presbytery of Whitby should be empowered to sell or otherwise dispose of the said lands by sale or otherwise and apply the proceeds of such sale as hereinafter provided for and to arrange for the disposition of the said proceeds of the sale of the lot in the township of Uxbridge heretofore mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Reverend A. A. Drummond, Robert Colville and James B. Fairbairn shall be trustees in the room and stead of the persons named in the indentures conveying the lands hereinbefore referred to and their successors, and in the room and stead of the trustees aforesaid of the said "Seton Fund" as regards the said proceeds of sale of the said Uxbridge lot, and the said lands and all the interest therein of the said trustees in the said indentures named and their successors and the said proceeds of sale of the said Uxbridge lot are hereby declared to have vested in the said Reverend A. A. Drummond, Robert Colville and James B. Fairbairn in as full and ample a manner as though the said A. A. Drummond, Robert Colville and James B. Fairbairn had been originally named in the indentures hereinbefore referred to upon the following trusts;—

New trustees  
appointed.

(a). That the interest of the money in hand, being the said proceeds of the sale of the said Uxbridge lot, shall be paid annually to the Reverend Adam Spencer during his lifetime; and further that the Reverend Adam Spencer shall be permitted to have the use of the said manse, during his lifetime, unless and until he shall secure a pastoral charge, at an annual rental of \$10; provided however that he, the said Adam Spencer, shall keep the property in a reasonable state of repair,

repair, and pay all taxes thereon. In consideration of the said Adam Spencer receiving the said interest and the use of the said manse the said Reverend Adam Spencer releases all claims he has had, or now has, or may have against the trustees, bondsmen, managers and members of the said St. Andrew's congregation.

(b). That the trustees aforesaid shall, as soon as conveniently may be, proceed to sell the church site heretofore described and whenever the occupancy by the said Reverend Adam Spencer of the said manse property shall have terminated as hereinbefore provided, shall, as soon as conveniently may be, proceed to sell the said manse property heretofore described, and the net proceeds of the sale of such church site and manse property shall be equally divided by the said trustees between St. Paul's congregation, Bowmanville and the Presbyterian church, Orono, both being in connection with the Presbyterian Church in Canada.

(c) That the capital realized from the sale of the said Uxbridge lot shall upon the death of the said Reverend Adam Spencer, be paid to the treasurer of the Aged and Infirm Ministers' Fund of the said Presbyterian Church in Canada for the purposes of that fund.

Filling vacancies in office of trustee.

2. In case any of the said trustees shall die, remove, resign or cease to be a member of the Presbyterian Church in Canada, the presbytery of Whitby aforesaid shall appoint a successor of such trustee.

Removal of remains of dead author-

3. The said trustees and their successors shall have full power and authority forthwith after giving one month's public notice as hereinafter required, to remove at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in the said St. Andrew's Church site, from the said place of interment to Bowmanville cemetery, and the remains of the dead so removed in pursuance of the powers in this section granted shall be reinterred at the expense of the said trustees in suitable burying plots or places.

Notice of removal.

4. The said trustees, before removing the remains of the dead as in the last preceding section authorized, shall, during the period of one month, publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the town of Bowmanville aforesaid, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said St. Andrew's Church burying ground may remove the remains in their burial lots to said Bowmanville cemetery, where said trustees shall provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in, or by reason of such removal to, and reinterment in said Bowmanville cemetery, or  
other

other suitable burying places. In the event of any person or persons owning lots in the said St. Andrew's Church burying ground not removing the remains therein interred to the Bowmanville cemetery, or other suitable place, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and to reinter them in suitable burying plots in the said Bowmanville cemetery, and also to remove from the said St. Andrew's Church burying ground, and to replace in the Bowmanville cemetery to which they have, in pursuance of the powers in section 3 hereof granted, removed remains, all gravestones and monuments now erected on the former.

5. It shall be the duty of the said trustees, and the survivor or survivors of them, and their successors in office, to use due care and diligence that all the remains of the dead have been removed from the said St. Andrew's Church burying ground before they build on, lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to one of the Judges of the County Court of the county of Durham, for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar, and the payment to him of \$1 as a fee for such registration. Certificate of removal.

6. The expense incurred in procuring legislation and for otherwise carrying out the trusts herein contained and other necessary expenses shall be a first charge on the proceeds of sale. Expenses a first charge on proceeds of sale.

## CHAPTER 95.

### An Act respecting St. James' Cathedral, Toronto.

*[Assented to 23rd March, 1889.]*

**W**HEREAS the churchwardens of St. James' Cathedral, Preamble.  
 Toronto, have by their petition represented: (1) That under and by virtue of an Act of the late Province of Canada, passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter 151, the lands hereinafter described in Schedule A to this Act were vested in the rector and churchwardens of St. James' Church, Toronto, with certain powers of leasing the said lands therein set forth, and that leases have been made of the

the said lands, for a term of twenty-one years from the first day of July, 1886, containing covenants for renewal and other covenants set forth in Schedule B to this Act; (2) That the churchwardens of St. James' Cathedral, Toronto, have under and pursuant to the Acts of the Legislature of the Province of Ontario, passed in the thirty-seventh year of Her Majesty's reign, chapter 92, and in the forty-second year of Her Majesty's reign, chapter 92, issued debentures bearing date the fifth day of February, 1889, for the amount in all of \$75,000, payable to the North British and Mercantile Insurance Company, or their order in the form set forth in Schedule C to this Act, being the only debentures issued pursuant to the said Acts and now outstanding, and that it is desirable that the same should be declared to be a valid mortgage security, pursuant to the said Acts upon the lands hereinbefore mentioned and described in Schedule A to this Act, as well as on the other lands mentioned in the said debentures and upon the terms therein set forth; (3) And that there are vested in the rector and churchwardens of St. James' Church upon trusts, for the purposes of a cemetery, certain lands described in Schedule D to this Act; and also certain lands conveyed under and by virtue of a certain conveyance made by James Booth to the Reverend H. J. Grasett, rector of St. James' Church, Toronto, and Clarke Gamble and Edward H. Rutherford, churchwardens, bearing date the sixteenth day of May, 1871, and registered in the registry office for the city of Toronto, as Number 3581 A, being the lands in Schedule E to this Act mentioned and conveyed or intended so to be to the said Reverend H. J. Grasett, Clarke Gamble and Edward H. Rutherford and their successors as rector and churchwardens of St. James' Church, Toronto, to have and to hold as such rector and churchwardens of St. James' Church, Toronto, and their successors for ever, for the purposes of a cemetery, in the same manner and for the uses and upon the trusts to all intents and purposes, as the lands then forming the cemetery of St. James', were held by such rector and churchwardens under the first section of an Act of the Parliament of Canada, passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, chapter 151; and also certain lands conveyed under and by virtue of a certain conveyance, bearing date the twelfth day of June, 1871, and registered in the registry office for the city of Toronto, as number 3700 A, and made by and between Ellen Harrison and C. C. Foster as vendors, and the Reverend H. J. Grasett, rector of St. James' Church, Toronto, and Clarke Gamble and Edward H. Rutherford, churchwardens of St. James' Church Toronto, being the lands hereinafter described in Schedule F to this Act, were conveyed or intended so to be to the said Reverend H. J. Grasett, Clarke Gamble and Edward H. Rutherford as such rector and churchwardens and their successors for ever to be held for the same purposes and to the same uses and upon the same trusts as the said foregoing parcel described in

Schedule

Schedule E to this Act; and that the council of the corporation of the city of Toronto have duly passed a by-law prohibiting interments in the said lands described in Schedules D, E and F to this Act, and as a matter of fact the said lands have never been used for burial purposes, and it is desirable that the churchwardens should be empowered to deal with the said lands by leasing in the same manner as the lands described in Schedule A to this Act, with the additional power to sell and absolutely convey the said lands, or to mortgage the same with the approval of the vestry; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The leases heretofore made by the rector and churchwardens of St. James' Cathedral, Toronto, of the lands described in Schedule A to this Act in the form set forth in Schedule B to this Act and any future leases to the same effect are hereby declared to be valid and binding. Leases confirmed.

2. The debentures to the amount of \$75,000 so heretofore issued by the churchwardens of St. James' Cathedral, Toronto, in the form set forth in Schedule C to this Act are hereby confirmed and declared to be legal and valid charges and mortgages upon the lands mentioned therein under the said recited Acts. Debentures confirmed.

3. The lands described in Schedules D, E and F to this Act are hereby declared to be vested in the rector and churchwardens of St. James' Cathedral, Toronto, and their successors as a corporation, upon trust to hold the said lands and any income therefrom from time to time to be derived and any proceeds of sales thereof to such uses and purposes as the vestry of St. James' Cathedral, Toronto, may from time to time declare and appoint, and that the rector and churchwardens of St. James' Cathedral, Toronto, or their successors shall be entitled to lease or sell and convey or agree to sell and convey the said lands or any part thereof and to mortgage them with the approval of the vestry, and that they shall have power to make such leases with any of the covenants set forth in Schedule B, or upon such other terms and conditions as to the said rector and churchwardens may seem proper. Lands vested in rector and churchwardens.

4. The said rector and churchwardens of St. James' Cathedral, Toronto, shall have power to sell and convey to the corporation of the city of Toronto, for parks or road purposes only or to any public corporation or trust for those purposes any unsold portions of the lands described in Schedule

A to the Act of the late Province of Canada, passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered 151, upon such terms as have been or may hereafter be approved by the vestry of the said St. James' Cathedral, Toronto.

#### SCHEDULE A.

All and singular that certain piece or parcel of land, being composed of part of the Government Park Reserve, east of the said City of Toronto, and butted and bounded as follows:—Commencing on the eastern limit of the reservation for road between lot number three and said Government Park now called Parliament Street, at the distance of seven chains and sixty-six links from Lot Street, now Queen Street, on the northern limit of the reservation for road, now called Sydenham Street, in front of the said parcel of land on a course north sixteen degrees west, and at the south-west angle of the said parcel of land; then north sixteen degrees west, thirteen chains thirty-two links, more or less, to the allowance for road in rear of the said parcel of land, now called Wilton Avenue; then north seventy-four degrees east, eleven chains fifty links, to Pine Street, now called Sackville Street; then south sixteen degrees east, thirteen chains thirty-two links, more or less, to the allowance for road in the front of the said parcel or tract of land; then south seventy-four degrees west, eleven chains fifty links, more or less to the place of beginning, containing fifteen acres more or less, being the premises conveyed or intended to be conveyed by the trustees of the Park Reserve, near the City of Toronto, to the incumbent and churchwardens of St. James' Church, Toronto, for the purpose of a burial ground, by indenture bearing date the eighteenth day of July, A. D. one thousand eight hundred and thirty-two, and registered on the twenty-second day of January, A. D. one thousand eight hundred and fifty-nine, and being found unfit for that purpose, surveyed and laid off in town lots and leased under the direction of the vestry of the said church of St. James and described in the Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign chapter 151, in schedule of the said Act, excepting therefrom the streets laid out and dedicated, known as St. David Street and Regent Street.

#### SCHEDULE B.

##### IN PURSUANCE OF THE ACT RESPECTING SHORT FORMS OF LEASES.

And the said Lessee Covenant with the said Lessors to pay rent;  
And to pay taxes;

And to repair, damage by fire or tempest excepted.

Provided that, notwithstanding the foregoing covenant, the Lessee <sup>EXECUTORS</sup> executors, administrators or assigns, shall be at liberty to remove any of the existing buildings and erections and to substitute other buildings or improvements of not less value than those now existing on the said premises.

And to keep up fences.

And that the said Lessors may enter and view state of repair.

And that the said Lessee will repair according to notice.

And will not assign or sublet without leave.

And will not carry on on said premises any business or occupation which may be offensive or annoying to the said Lessors or their assigns or to the Lessors or the Lessees or occupants under them of other lands and premises in the neighbourhood of the premises hereby demised.

And that will leave the premises in good repair.

And

And will during the said term and every renewal thereof insure and keep insured in some reputable Fire Insurance Company or Companies in the name of the Lessee executors, administrators or assigns for the time being the buildings and erections now upon or which shall at any time or times hereafter be erected and put upon the same to two-thirds the value thereof; and will upon request of the Lessors their successors or assigns or their agent or agents from time to time produce and show all Insurance policies current at the time of such request made and the premium receipts in respect thereof showing the payment of the premium for the then current year or period of Insurance and allow inspection of the same.

Provided always and it is hereby agreed that all money to be received in respect of any such insurance as aforesaid shall be expended in rebuilding or reinstating the buildings or appurtenances on the demised premises which shall have been destroyed or damaged by fire or in building other buildings on the demised premises.

And also, that if the term hereby granted shall be at any time seized or taken in execution or in attachment by any creditor of the said Lessee executors, administrators or assigns, or if the said Lessee executors, administrators or assigns shall make any assignment for the benefit of creditors, or, becoming bankrupt or insolvent shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, the then current half year's rent shall immediately become due and payable.

Proviso, for re-entry by the said Lessors on non-payment of rent, or non-performance of covenants.

The said Lessors covenant with the said Lessee for quiet enjoyment.

And also, if the Lessee, executors, administrators or assigns shall be desirous of taking a new lease of the premises hereby demised at the expiry of the term hereby granted or of any future term of twenty-one years, then provided that no default shall have occurred and be then continuing in payment of rent or the observance of the covenants, provisoes and conditions in these presents contained and provided that the Lessee shall have given to the Lessors their successors or assigns notice in writing of the desire of the Lessee executors, administrators or assigns to take a lease for a further term at least three calendar months before the expiry of the term hereby granted or any further term for which this lease shall from time to time be renewed, in which notice an arbitrator shall be named on the part of the Lessee executors, administrators or assigns for the purposes hereinafter mentioned and an address be given for service on the party or parties entitled to give such notice of all notices required to be given under these presents; then and in such case from time to time that the Lessors their successors or assigns shall and will at the costs and charges of the Lessee grant a new lease for the further term of twenty-one years from the termination of the term hereby granted or of the term current at the time of such notice being given at such increased rent for such further term as shall be determined by three indifferent arbitrators or the majority of them, one such arbitrator to be appointed by the Lessee, executors, administrators or assigns by the notice aforesaid, another by the Lessors their successors or assigns within one month after the receipt of the notice aforesaid and the third to be appointed by the two arbitrators appointed in manner aforesaid.

Provided always and it is hereby agreed and understood by and between the parties to these presents their successors and assigns and executors, administrators and assigns respectively.

That the said rent shall be determined upon the freehold value of the demised lands and premises for the further term to be granted irrespective of any improvements, buildings and erections thereon.

And also that the said arbitrators or a majority of them shall upon the same reference determine a reasonable sum as the value of the buildings erected and built by the Lessee, executors, administrators or assigns and then being upon the demised premises having regard to the character and

and appropriateness of the same as improvements of the demised lands and premises ; [but excluding in ascertaining and determining such sum all buildings and every part thereof which were erected and built upon the demised premises on or prior to the first day of July, 1886, (as to which no compensation shall be payable) whether the same or any part thereof shall have been incorporated in any alteration or addition to any new buildings or not.]\*

And also that the award in respect of the matters aforesaid shall be made and published in writing ready to deliver to the parties within thirty days before the expiry of the term hereby granted or of any future term in which the notice aforesaid shall have been given or such further time as the parties may agree upon before the arbitrators or as a Judge of any Division of the High Court of Justice of Ontario may direct and shall be final and binding upon all parties concerned as to the rental to be paid for the further term desired and also as to the value of the said buildings.

And also that these presents are a submission to arbitration and may be made an order or judgment of any Division of the High Court of Justice of Ontario.

And also that the costs of the said reference to arbitration and award shall be borne by the parties in manner following that is to say, each party shall pay his, her or their own costs, charges and expenses in and about the same and one-half of the fees of the arbitrators.

And also that the Lessors their successors or assigns in lieu of granting a new lease for a further term as aforesaid at the expiry of the term hereby granted or of any future term, may within three months after the publication of the award aforesaid pay to the Lessee executors, administrators or assigns the sum determined by the said award to be paid by them as the value of the said buildings

less rent for the proportion then expired of the half year then current or other moneys payable under these presents by the Lessee executors, administrators or assigns and upon, from and after such payment the Lessors their successors or assigns shall be entitled to resume possession of the demised premises and all improvements, buildings and erections thereon and the term, rights and possession of the Lessee, executors, administrators and assigns therein and thereto shall cease and determine and and they shall and will thereupon yield and deliver up to the Lessors their successors and assigns quiet and peaceable possession of the same.

And also that when the notice aforesaid of desire to take a lease for a further term from time to time shall have been given then until publication of the said award and the payment of the amount thereby fixed as the value of the buildings it shall be lawful for the Lessee, executors, administrators and assigns or the person in lawful possession of the premises hereby demised (no default having occurred and being then continuing in the payment of the rent or the observance of the covenants, provisoes and conditions of these presents) to continue in possession of the demised premises subject to the payment of the rent hereby reserved and upon and subject to the other covenants, provisoes and conditions in these presents set forth.

And also that in case a new lease be granted for a further term from time to time the rent thereunder at the rate determined by the said award shall be payable from date of the expiry of the then previous term.

And also that all the covenants and provisions hereinbefore contained are made and entered into by and with the Lessee self executors, administrators and assigns, and by and with the Lessors in their official capacity only as rector and churchwardens of St. James' Church, Toronto, for and with themselves and their successors in office and assigns, and that the said Lessors shall not, nor shall any of them, be liable personally or individually for, or under or by reason of any clause, matter or thing herein contained or by reason of their purporting to execute the same as such rector and churchwardens.

\* The above words in brackets omitted in some cases.

And also t' at the new lease to be granted in the case aforesaid at the expiration of the term hereby granted or of any future term shall except as to the amount of rent contain the same covenants, provisoes and agreements as are contained in these presents including the covenants for renewal so that the said lease shall be perpetually renewable subject always to the rights of the Lessors their successors or assigns in lieu of renewal from time to time as hereinbefore provided.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered )  
in the presence of )

### SCHEDULE C.

#### ST. JAMES' CATHEDRAL DEBENTURE.

No.

The churchwardens of St. James' Cathedral, Toronto, hereby promise to pay to the North British and Mercantile Insurance Company, or their order, the sum of \$ on the 5th day of August, A. D. 1889, a like sum on the 5th day of February, 1890, a like sum on the 5th day of August, 1890, and a like sum on the 5th day of February, 1891, and the sum of \$4,078.52 on the 5th day of these several payments to be made at the Bank of Montreal, in the City of Toronto, on presentation and surrender at the respective dates aforesaid of the annexed interest coupons and of this debenture respectively.

This is one of a series of twenty-four debentures each of the same date and amount (\$4,078.52), representing in the aggregate the principal sum of \$75,000, and interest at the rate of four and one-half per cent. per annum thereon, or on the part thereof from time to time remaining unpaid, as shown in the schedule endorsed hereon.

The interest only on \$75,000 is payable up to the 5th February, 1891, represented by the first four payments in each debenture and in this debenture the amount of principal money is \$ , and the remainder of the \$4,078.52 is the interest maturing 5th on such principal money and on the principal money of the several other debentures of the series falling due after the maturity of this debenture.

It is hereby intended and declared that this and the other debentures of the series are issued pursuant to the Statutes of the Province of Ontario, 37 Victoria, Chapter 92, and 42 Victoria, Chapter 92, and that the lands upon which the same are charges, are :

1. The lands described in schedule C to an Act of the late Province of Canada, 29 and 30 Victoria, Chapter 151, being lands vested by the said Act in the rector and churchwardens of St. James' Church, now called St. James' Cathedral.

2. The lands in the city of Toronto, granted by Letters Patent, dated the 4th of September, 1820, as the site of a church and churchyard, having a frontage of 263 feet 3½ inches more or less on King Street, and a depth measured along Church Street of 412 feet 1 inch more or less to Adelaide Street; excepting therefrom a parallelogram enclosing the site occupied by the present Church building, measured from a point on the northerly limit of King Street, distant 61 feet 6 inches from the easterly limit of Church Street, to a point at the distance of 254 feet 2 inches northerly from King Street, measured on a line parallel with Church Street, and 157 feet 11 inches southerly from Adelaide Street, measured on a line parallel to Church Street; thence 142 feet easterly parallel to King Street; thence southerly parallel to Church Street 254 feet 2 inches, to a point distant 59 feet 9½ inches from the easterly limit of the churchyard square; thence westerly along the northerly limit of King Street 142 feet to the point of commencement of the said exception.

3.

3. The site of and surrounding the Church being the above described exception from parcel 2.

And that if on default of payment of any of the said debentures a sale should be had of any of the said lands, the same shall be resorted to and realized on in the foregoing order, and that all monuments and memorials shall be excepted from sale in any event.

Witness the corporate seal of the churchwardens of St. James' Cathedral, Toronto, attested by the hands of William Rees Brock and Oliver Aiken Howland, churchwardens.

Dated at the Vestry of St. James' Cathedral, Toronto, 5th February 1889.

#### SCHEDULE D.

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, containing by admeasurement eight-tenths of an acre, be the same more or less, being composed of part of park lot number two, in the first concession from the Bay, in the Township of York, and butted and bounded as follows, that is to say : Commencing on the limit between park lots numbers two and three, at the distance of forty-six chains more or less, (on a course north sixteen degrees west) from Lot Street, now Queen Street; thence north sixteen degrees west, four chains more or less, to where a post has been planted; thence north seventy-four degrees east, two chains, more or less to where a post has been planted; thence south sixteen degrees east, four chains, more or less, to Frank Street, now Wellesley Street; thence south seventy-four degrees west, two chains, more or less, along Frank Street, now Wellesley Street, to the place of beginning, being the premises conveyed or intended to be conveyed by one William Henry Boulton, to the churchwardens of St. James' Church, Toronto, by indenture bearing date the twenty-second day of March, A. D. one thousand eight hundred and forty-seven, and registered in the Registry Office of the County of York, on the twenty-ninth day of March, A.D. one thousand eight hundred and forty-seven, whereon the offices appurtenant to the cemetery are erected.

#### SCHEDULE E.

All that tract or parcel of land situate, lying and being in that part of the city of Toronto, heretofore part of the township of York in the said Province, being composed of part of park lot number one in the first concession from the Bay in the said township of York, containing by admeasurement eleven acres and fourteen perches and one-half of a perch more or less as the same may be, better known and described as follows : Commencing on the west bank of the River Don on the southern limit of a piece of land described as part of the said park lot number one, sold by Mr. John Scadding to his brother Charles Scadding; thence south seventy-four degrees west, eight chains and eighty links to a point within five links eastwardly of a small soft maple tree marked on four sides; thence south sixteen degrees east two chains to near the middle of the Mill Dam; thence south seventy-four degrees west six chains and eighteen links more or less to a point one chain and twenty-six links distant eastwardly from the north-east angle of lot number eighteen on the north side of Frank Street, now Wellesley Street; thence south eighty degrees east nine chains and forty-five links; thence south three degrees and thirty minutes west three chains and fifty-nine links more or less to the north-west angle of Peter R. Lamb's property; thence north seventy-four degrees east along the northern boundary of said Lamb's property three chains more or less to the north-east angle thereof; thence north sixty-two degrees and thirty minutes east five chains and thirteen links more or less

less to the most northern angle of the Necropolis ; thence south sixty-three degrees and thirty minutes east two chains and fourteen links ; thence south forty-seven degrees and thirty minutes east two chains and thirty-four links ; thence south fifty-four degrees and thirty minutes east three chains and sixty-four links more or less to a stake placed at the most easterly angle of ground now laid out for the Toronto Necropolis, being also the westerly limit of the Don Mills Road ; thence north six degrees and thirty six minutes east one chain and sixty links more or less to the River Don ; thence along the west bank of the River Don up the stream to the place of beginning.

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#### SCHEDULE F.

All and singular that tract or parcel of land and being composed of part of park lot number one in the first concession from the Bay, in the township of York, now in the city of Toronto, and adjoining the cemetery of St. James' immediately to the south thereof and described as follows : Commencing at a point in the northerly limit of Amelia Street where a post has been planted where the westerly line of Sumach Street if produced northerly across Amelia Street would intersect the said northerly limit of Amelia Street ; thence north sixteen degrees west in a line with the said westerly limit of Sumach Street if produced nine chains more or less to the fence of St. James' Cemetery ; thence north seventy-four degrees east one chain twenty-six links ; thence south eighty degrees east seven chains forty-five links ; thence south three degrees thirty minutes west three chains and fifty links more or less to where a stake has been planted at the north-east angle of a parcel of land heretofore conveyed by Mrs. Harrison and Charles C. Foster to Peter R. Lamb ; thence westerly along the northern boundary of the said parcel of land so conveyed to Peter R. Lamb and parallel to Amelia Street two chains and eighty links more or less to the north-west angle of the said parcel of land so conveyed to Peter R. Lamb ; thence south sixteen degrees east along the west boundary of Lamb's property and parallel to Sumach Street two chains fifty-two and two-third links more or less to the north limit of Amelia Street ; thence along the said north limit on a course about south seventy-four degrees west four chains more or less to the place of beginning.

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### CHAPTER 96.

#### An Act respecting St. Jude's Church, Oakville.

*[Assented to 23rd March, 1889.]*

**W**HEREAS by indenture, dated the 6th day of October, A. D. 1869, Justus Wright Williams, of the town of Oakville, Esquire, granted and conveyed to the Right Reverend Alexander Neil, Lord Bishop of the diocese of Toronto, and his successors, the easterly half of lot marked F, in block number five in the town of Oakville, to be held in trust for the site and ground plot of the church then erected and standing on said lot, such church being then known as St. Jude's Church, Oakville ; and whereas, on the 28th day of May, A. D. 1886, the Right Reverend Arthur, Lord Bishop of the said Diocese of Toronto, the successor of the said Right Reverend Alexander Neil, pursuant to the statute in that behalf, by deed conveyed the said land to the Synod of the Diocese of Nias-  
gara

gara, which Synod by virtue of the said statute thenceforth held the same, subject to any trusts relating thereto; and whereas, in pursuance of an agreement made between the incumbent and churchwardens of the said St. Jude's Church, and Samuel McGiffin of the said town of Oakville, the said Synod at the request of the said incumbent and churchwardens, the said land not being any longer required as the site and ground plot of said church, by deed, dated the 1st day of June, A. D. 1886, which deed was registered in the registry office of the county of Halton on the 13th day of September, A. D. 1886, in book E for the town of Oakville, as number 1913, conveyed or assumed to convey the said lands to the said Samuel McGiffin, his heirs and assigns forever; and whereas doubts have arisen as to the power of said Synod to make such conveyance, and the said incumbent and churchwardens have petitioned for an Act to remove said doubts and to declare the title in the said lands to have been vested by the said conveyance in the said Samuel McGiffin, freed from the said trust; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Land vested  
in S. McGiffin.

1. It is hereby declared that all the estate and interest in the said lands which was vested in the said Justus Wright Williams on the 6th day of October, A. D. 1869, and which was on that day conveyed by him to the said Right Reverend Alexander Neil, then Lord Bishop of the Diocese of Toronto, has by virtue of the several conveyances mentioned in the preamble hereof, become vested in the said Samuel McGiffin, his heirs and assigns forever, freed from the trust in such conveyances recited and referred to.

## CHAPTER 97.

An Act to simplify the Sales of Property held in trust for the Church of England in the Diocese of Toronto.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS the incorporated Synod of the Diocese of Toronto have by their petition represented that property held in trust for the benefit of churches, parishes, missions or congregations of the Church of England, or United Church of England and Ireland in the said diocese has been conveyed to or otherwise vested in various corporations, trustees or individuals, and that difficulties have been experienced

enced in disposing of the same, owing to a want of uniformity of procedure for the sale and conveyance of such property ; and have prayed that an Act may be passed for the several purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any lands or personalty which now are or shall be vested in (1) the incorporated Synod of the Diocese of Toronto, (2) the Bishop of Toronto, either by his individual name or official title, and either separately or jointly with others, (3) the rector, or incumbent, or parson, or missionary, of the rectory, church, parish or mission, either by his individual name or official title, and either separately or jointly with the churchwardens of such rectory, church, parish or mission, or with trustees or others, (4) the churchwardens of the parish, church, rectory or mission, either by their individual names or corporate title, or (5) certain persons named as trustees for the church, rectory, parish, mission or congregation, or living, or for the rector, parson, incumbent or missionary, or (6) held by or vested in any other corporation, person or persons under any other title, trust or designation either jointly, severally, or otherwise, in trust for the general or special use or benefit of the members of the Church of England, or United Church of England and Ireland, in the said Diocese of Toronto, or for or in connection with any church, rectory, parish, mission, congregation, locality, living or rectory in the said diocese (other than rectory lands mentioned in the Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter 16 and amending Acts), or in trust for the use, benefit or endowment of any church, parish, mission, living or rectory (other than as aforesaid), or for the use, benefit, support or endowment of any parson, incumbent, missionary or rector (other than as aforesaid), or in trust for a parsonage, school, or any other object or purpose or use in connection with any such church, parish, mission, congregation, locality, living or rectory (other than as aforesaid) ; may, notwithstanding anything in the deed or conveyance under which the same is vested or held (other than as provided in section 6 of this Act), be sold, aliened and conveyed by the said synod, bishop, corporation, trustee or trustees, churchwardens, rector, incumbent, missionary or official or other persons, or individuals or the successors or heirs of any of the aforesaid in whom the title of such lands or personalty is then held or vested in trust as aforesaid.

Sale of property authorized.

2. But no sale of such lands or personalty shall be made unless the vestry or vestries having the right to appropriate or dispose of the rents, issues, profits or income thereof do, by a resolution passed for that purpose, authorize and consent to the

Consent to sale.

the sale of the same, nor unless such sale is approved of by the said incorporated Synod of the said Diocese of Toronto; and if there be no vestry in existence, or no vestry having the right to appropriate or dispose of the rents, issues, profits or income of the said lands or personalty, the said Synod may consent to and approve of the said sale, and all proper and necessary parties shall join in conveying the same to the purchaser thereof.

Application of  
proceeds.

**3.** The proceeds of such sale shall be paid to the said Synod which shall hold the same under the same trusts, uses, endowments or purposes as those for which the said lands or personalty were given and held as aforesaid, and may invest or apply the same for the benefit of the said trust, use, endowment or purpose; or, if desired by the vestry (having the right as described in section 2) and approved of by the said Synod, in the purchase of other lands or personalty for the said trust, use, endowment or purpose, as may be approved of by the said Synod; or in case, from a change of circumstances, it becomes impossible or inadvisable to carry out the original trust, use, endowment or purpose, such proceeds may, if so desired by the said vestry (having the right as prescribed in section 2) be applied for other church purposes for the benefit of the church, parish, mission, or congregation on whose behalf the said trust, use, endowment or purpose was created, with the consent of any person or persons having a pecuniary or life interest in such trust property for the time being: Provided that the consent and approval of the Synod to the appropriation of such proceeds to such other church purposes shall have been first obtained, and if there be no vestry in existence, or no vestry having the right as in section 2 described, the said Synod may determine the other church purposes to which such proceeds may be applied.

Sale to include  
exchange.

**4.** The term "sale" in this Act shall include an exchange and the persons, trustees, officials and corporations authorized to sell, alien and convey lands or personalty as aforesaid may, subject to the conditions in section 2 of this Act, exchange the said lands or personalty for other lands or personalty, and shall acquire, hold and possess such exchanged lands or personalty under the same trusts, uses, endowments, and for the same purposes as those for which the original lands or personalty were given and held as aforesaid; or in trust for other church purposes as provided in section 3 of this Act, and subject to the conditions therein prescribed.

Mode and  
proof of con-  
sent.

**5.** The said Synod may exercise the powers conferred upon it by this Act by and through such boards or committees thereof as the said Synod may from time to time appoint by resolution, by-law or by-laws, and the act, consent or approval by the said Synod or the board or committee thereof under this Act shall be exercised by resolution and the said resolution

or

or resolutions, by-law or by-laws attested by the seal of the said Synod, and the execution of the deed by the Bishop of Toronto as president of the said Synod, and by the honorary secretaries of the said Synod, or a memorandum of consent endorsed on said deed and signed by them and attested by the seal of the said Synod shall, in favour of the purchaser and his heirs and assigns, be conclusive evidence of the said act, deed, consent or approval of the said Synod under the powers conferred upon it by this Act.

6. Nothing in this Act shall alter or affect any condition or provision for a resulting trust in favour of any grantor of any such lands, his heirs or assigns, which may be contained in any deed conveying such lands in trust as aforesaid to any of the parties named in section 1 of this Act, or which may otherwise arise in respect of said lands. Resulting trusts.

7. The limitation of time for the sale of the rectory lands mentioned in the Act passed in the session of the late Parliament of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's reign and chaptered 16, and the Act passed by the Legislative Assembly of the Province of Ontario in the thirty-ninth year of Her Majesty's reign and chaptered 108, is hereby repealed, and all sales of any such rectory lands made by the Incorporated Synod of the Diocese of Toronto, since the fifteenth day of August, 1886, are hereby confirmed. Sales of land confirmed.

8. All Acts or parts of Acts relating to the sales of lands or personalty held in trust for the Church of England in the said Diocese of Toronto inconsistent with this Act are hereby repealed. Inconsistent enactments repealed.

## CHAPTER 98.

### An Act respecting certain Property of the Presbyterian Church at Vankleek Hill.

*[Assented to 23rd March, 1889.]*

**W**HEREAS, the Reverend Duncan McEachren, minister, and Malcolm McCuaig, Roderick McCrimmon, Kenneth Fraser, Duncan Campbell, James Mode, John Hunter, Albert Cheney and others, elders, office-bearers and members of the congregation of the Presbyterian church, Vankleek Hill, in connection with the Presbyterian Church in Canada, have by their petition set forth that a certain lot or parcel of land of an acre in extent, together with a roadway twenty feet in width leading thereto, being lot number 3 on the east side of St. John street and Kirk lane, in the village of Vankleek

Preamble.

Vankleek Hill, according to the plan of the said village made by Peter McLaurin, P.L.S., and filed in the registry office for the county of Prescott on the 16th day of February, 1860, was, by deed bearing date the 24th day of May, 1824, and registered in the registry office for the county of Prescott on the 2nd day of March, 1832, conveyed by one Simon Vankleek to Kenneth McCaskill, John Fraser and John McRae in trust for the erection of a Presbyterian church and for a burial place for the use of those professing the religion of the Established Church of Scotland; that since the Act of the Legislature of this Province passed in the thirty-eighth year of Her Majesty's reign, chapter 75, respecting the union of the Presbyterian Churches therein named, the congregation formerly using the church erected on the said lot, have united with and formed part of the said congregation of the Presbyterian church at Vankleek Hill represented by the said petitioners, and the church on the said lot is no longer used as a place of worship but has fallen into ruin; that on account of the growth of the said village the said lot is no longer used as a burying place and there are in the vicinity two other burying grounds, one known as the Presbyterian and the other as the general Protestant burying ground; that the said trustees are all dead and no successors have been appointed to them, and no provision was made in said deed for such appointment; and whereas the said petitioners have prayed that the said lands and premises should be vested in the trustees of the said congregation of the Presbyterian church, Vankleek Hill, in connection with the Presbyterian Church in Canada, their successors and assigns, with power to remove the bodies interred therein and to sell the said lands or to erect thereon a manse and other buildings; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in trustees.

1. The said lot of land and premises, together with the said roadway, shall be and the same are hereby vested in John McInnis, Duncan Campbell, John A. Fraser, Farquhar McCrimmon and James Mode, the trustees of the congregation of the Presbyterian church, Vankleek Hill, in connection with the Presbyterian Church in Canada, who are hereby declared to be the sole present trustees duly authorized to act in behalf of the said congregation, notwithstanding any irregularity in their appointment and their successors and assigns for ever; but nothing herein shall affect the right of way over the said roadway (if any exists) which may have been acquired by any person or persons prior to the passing of this Act.

Appointment  
of new trustees.

2. The successors in office of the said trustees shall be appointed in the manner and as the trustees of the said congregation of the Presbyterian church, Vankleek Hill, in connection

nection with the Presbyterian Church in Canada, are now appointed and as provided in the indenture or deed of conveyance of the 28th day of December, A. D. 1859, and registered in the registry office for the county of Prescott on the 21st day of April, A. D. 1860, in book 25, township of West Hawkesbury, pages 3, 4, 5 and 6, being the deed of conveyance under which the said congregation hold the land and premises upon which the church is erected in which they now worship.

3. The said trustees and their successors in office shall have full power and authority forthwith, after giving notice as hereinafter required, to remove, of their own accord and at their own expense, in a decent and orderly manner and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises aforesaid, to the Presbyterian burying ground or to the general Protestant burying ground of Vankleek Hill, or to some other suitable burying ground that may be approved by the relatives of the deceased, and the remains of the dead so removed, in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees in suitable burial places.

Removal of  
remains of  
dead.

4. The said trustees, before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall, during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette* and of a local newspaper published within the united counties of Prescott and Russell, or, in the event of there being no such paper, then in the nearest local newspaper in an adjacent county, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots or having the remains of deceased friends or relatives interred in the said old burying ground may remove the remains to either the present Presbyterian or the general Protestant burying ground, Vankleek Hill, where the trustees will provide suitable burial lots therefor and pay all reasonable expenses incurred or sustained in or by reason of such removal to or reinterment in either of the said burying grounds or other suitable burying place. In the event of parties not removing the remains as aforesaid it shall be the duty of the trustees to remove the same in a decent and orderly manner and reinter them in suitable plots either in the present Presbyterian burial ground or the general Protestant burying ground, Vankleek Hill, and with the said remains so removed in pursuance of the powers herein granted to remove also and properly place in the proper burial plot to which they have removed said remains all grave-stones and monuments now erected in the said old burying ground.

Notice of  
removal.

Power to lease  
or sell burying  
ground.

5. So soon as the bodies which are now interred in the said old burying ground are removed as provided herein, the said trustees and their successors are hereby empowered to lease for any term of years or to sell and convey in fee simple or for any less estate, *en bloc* or in parcels from time to time according to such plan or survey as the said trustees may cause to be made of the said lands and premises, either by public auction or private contract, for such prices for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and the said trustees and their successors are hereby empowered and authorized to lease or sell and convey as aforesaid the said lands, freed and discharged of and from the said trusts, as expressed in the said conveyance from the said Simon Vankleek, senior, and from all right, title, interest, claim or demand of any person or persons who may have acquired lots for burial purposes therein or of their representatives.

Power to take  
mortgages as  
security.

6. Should the said trustees sell the said land and premises or any part or parts thereof, and grant time for the payment of the purchase money, or any part thereof, they are hereby authorized and empowered to take and accept, as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively or on other land containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary way, and in as full and ample manner, and to as full an extent as private individuals are authorised by law so to do; and such mortgage securities when paid to effectually discharge and release

Application of  
moneys.

7. The moneys received by the said trustees or their successors on account of the sale of the said land or of any parcel or parcels thereof shall be appropriated in payment of the expenses incurred by them under the provisions of this Act, to the payment of any other liabilities incurred by them as such trustees, and any residue may be applied towards the payment of any present debts or liabilities, or of any future debts or liabilities, of the said congregation of the Presbyterian Church, Vankleek Hill, in connection with the Presbyterian Church in Canada, as such trustees or their successors in office may deem advisable, provided, that no purchaser or purchasers shall be liable to see to the application of the moneys arising from the sale of the said lands and premises or any part thereof: provided further that no application of the said residue of the said proceeds of sale shall be made by the said trustees without the consent of the said congregation at a meeting duly summoned for that purpose.

Proviso.

Proviso.

Certificate of  
county judge  
as to removal

8. It shall be the duty of the said trustees and their successors in office to use due care and diligence that all the remains

remains of the dead have been removed from the said burying ground before they build on or before they lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the Judge of the County Court of the united counties of Prescott and Russell for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the county of Prescott on the production thereof to the said registrar and the payment to him of \$1 as a fee for such registration.

## CHAPTER 99.

### An Act respecting the Rideau Club.

*[Assented to 23rd March, 1889.]*

**W**HEREAS the Rideau Club have presented their petition, Preamble. praying for an amendment to their Act of incorporation, and for power to issue debentures to the amounts, and in the manner hereinafter mentioned, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 4, 5, 6, 7, 8, 9 and 10 of chapter 98, of the 29 V., c. 98, Statutes of the late Province of Canada, passed in the twenty- 4-10 repealed. ninth year of Her Majesty's reign, are hereby repealed.

2. The Rideau Club may execute and issue debentures for the sum of \$35,000 in such sums not less than \$100 each, at such rate of interest, and redeemable at such times and places as they may determine, and from time to time may renew the same or issue new debentures in their place or stead, at such other rate of interest as they may determine. Issue of debentures authorized.

3. The said debentures and all issues thereof shall, without registration or formal conveyance, be taken and considered to be charges upon the real property of the said corporation, or any freehold interest held in real property by said corporation, as hereinafter specified; and each holder of any of the said debentures issued under this section, shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon any such interest in all and singular that certain Debentures to be a charge on lands.

certain parcel or tract of land and premises situate, lying and being in the city of Ottawa, in the county of Carleton, in the Province of Ontario and Dominion of Canada, being composed of part of town lot number twenty-one, on the south side of Wellington Street, in the city of Ottawa aforesaid, the said lot numbering eastward towards the Rideau Canal, sixty-six feet frontage on Wellington Street by sixty feet on Metcalf Street ; and also upon any such interest in a policy or policies of insurance for the full amount of the debentures issued under this section, to be effected upon the buildings on the said property.

Interest of debentures a first charge on entrance fees.

4. The interest of the debentures to be issued under section 2 of this Act, shall be a first charge upon the entrance fees from new members entering the Rideau Club, and it shall be the duty of the committee in each year out of the said entrance fees, in so far as the same shall extend, to pay the whole interest falling due in each year.

Additional borrowing powers.

5. The Rideau Club may borrow upon the credit of the Club by the issue of further debentures or otherwise, a further amount not exceeding \$15,000, and, subject to the debentures in section 2 of this Act mentioned, may hypothecate, pledge, or mortgage the real or personal property of the Club, to secure any sum or sums of money so borrowed, at such rate of interest, and on such terms as may from time to time be agreed upon.

Power to make and endorse promissory notes, etc.

6. The Rideau Club shall also have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the Club, under the hands of their president and secretary, after authority from the committee of the Club so to do, and in no case shall it be necessary that the seal of the Club be affixed to any such note or bill, nor shall the president or secretary be individually responsible therefor —provided that nothing herein shall be construed to authorize the Club to issue notes or bills of exchange, payable to bearer, or intended to be circulated as money, or as notes or bills of a bank.

Application of proceeds of debentures issued under sec. 2.

7. The moneys authorized to be raised by debentures under the provisions of section 2 of this Act, shall be applied exclusively in the purchase, improvement, or erection of a club house and dependencies thereon, or for the purchase of any freehold interest therein, and in the payment of any mortgage or charge thereon, and for the redemption of the said debentures and any re-issues as they become due respectively from time to time, and at all times.

Power to rent real estate.

8. Notwithstanding anything hereinbefore contained, the Rideau Club shall have power to rent any portions of the real estate held by the said corporation upon such terms, and for such period as may be agreed upon.

CHAPTER

## CHAPTER 100.

An Act to enable the Trustees under the Will of the late Honourable James Morris, to sell real estate.

[Assented to 23rd March, 1889.]

WHEREAS the Honourable Alexander Morris, William Preamble.

Sherwood and James Henry Morris, the surviving executors and trustees of and under the last will and testament, bearing date the 20th day of February, A. D. 1864, and codicils thereto, of the Honourable James Morris, of the town of Brockville, in the county of Leeds and Province of Ontario, have by their petition represented that by virtue of the provisions of the said will and codicils thereto, certain of the personalty and realty to him belonging were vested in the said trustees with the view of their being realized and the proceeds invested for the benefit of the legatees named in the said will and codicils thereto, and that portions of the said estate were unproductive, unlikely to advance in value, and subject the trustees to expenditure for taxation and care, and to loss of interest on the value thereof; and whereas the said petitioners have prayed that an Act may be passed affecting such real estate, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The executors and trustees of and under the last will and testament and codicils thereto of the Honourable James Morris, of the town of Brockville, in the county of Leeds in the Province of Ontario, deceased, and their successors are declared to have had and shall have power and authority under the said will, from time to time, in their discretion, to sell and convey any portion or portions of the real estate conveyed to them under the said will, and to re-invest the proceeds thereof in the securities specified in the said will, or authorized by statute, for the benefit of the legatees entitled thereto under the said will, and codicils thereto, in the like manner and with the full power and authority given by the said will to them with regard to personal estate. Power to sell real estate.

## CHAPTER 101.

An Act to authorize the Supreme Court of Judicature for Ontario to admit William Walter Pope to practise in said Court as a Solicitor.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS William Walter Pope, of the city of Belleville, in the county of Hastings, gentleman, has by his petition represented that on or about the month of November in the year 1875 he entered the office of George Dean Dickson, Queen's Counsel, a practising solicitor at Belleville aforesaid, and was duly articulated to said George Dean Dickson to serve the time fixed for a student, but that owing to financial reasons and other circumstances over which he, the said William Walter Pope, had no control, he was unable to enter himself on the books of the Law Society as a student; that notwithstanding said reasons and circumstances he continued his services as such clerk to said George Dean Dickson up to the month of June, 1881, at which date he entered the office of John Bell, Queen's Counsel, a practising solicitor in the city of Belleville aforesaid, as managing clerk, and since that date and up to the present time he has carried on as such clerk the management of a large law business, and has thereby gained such an education in the law and practice of the Courts as he thinks will enable him to pass the final examination prescribed by the Law Society for the admission of solicitors; and whereas it has been shewn that the said William Walter Pope is otherwise a proper person to be admitted as a solicitor on his passing such examination; and whereas the said William Walter Pope has petitioned that an Act may be passed to authorize the Supreme Court of Judicature for Ontario to admit him to practise in said Court as a solicitor upon his passing such final examination as may be prescribed by the said Law Society; and whereas the said Law Society do not oppose the said application though notified thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
admit W. W.  
Pope as a  
solicitor.

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario, at any time hereafter, to admit the said William Walter Pope to practise as a solicitor of the said Court upon his paying the proper fees in that behalf and passing at any time or times the final examination for admission prescribed by the rules of the Law Society of Ontario without his compliance with any other requirement or provision of the law or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

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SHewing

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